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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

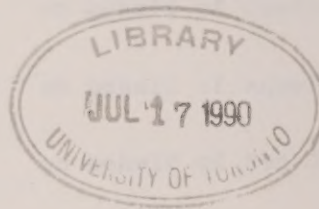
B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, MARCH 7, 1989

VOLUME 23

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
R. McMURTRY A. PRATT	on behalf of Charles Francis
D. O'CONNOR G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN L.M. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. SOJONKY	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
R. McCREATH, Q.C. MR. FALBY	on behalf of the Canadian Olympic Association
OSCAR SALA	on behalf of David and Andrea Steen
C. ASHBY MS. S. HICKLING	on behalf of Bishop Dolegiewicz

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--- Upon commencing.

CHARLES FRANCIS, Recalled.

THE COMMISSIONER: Mr. Armstrong.

5 MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner.

EXAMINATION BY MR. ARMSTRONG:

10 Q. Mr. Francis, yesterday I indicated that
I was going to ask you about the number of times that Ben
Johnson had been tested. And at my request you and your
counsel provided that information. And I just want to
review it with you.

15 I understand that Ben Johnson has been
tested over the years a number of times in competitions?

A. Yes, that's correct.

Q. He in fact has never been tested prior
to Seoul out of competition, so far as you are aware?

A. No, not to my knowledge.

20 Q. All right.

THE COMMISSIONER: Well, he wasn't tested
in the Seoul outside of competition either.

MR. ARMSTRONG: No, well up to and
including -- up to the time of Seoul.

25

MR. ARMSTRONG:

Q. Then the figures that you gave me were 1966, he was tested 10 times during competitions?

A. That's correct.

5 Q. 1967, seven times during competitions?

A. That's correct.

Q. And that would have included at Rome in August 30, 1987, when he participated in the world championships and broke the world record and set the new
10 world record of 9.83?

A. That's correct.

Q. Just dwelling there for a moment in respect of Rome in 1987, we reviewed that exhibit in 1987 of his training schedule which included those periods of
15 times in which he took anabolic steroids. And if my memory serves me correctly, in 1987, prior to Rome, the last time he would have taken any anabolic steroids to your knowledge would have been in that late June
early July period?

20 A. That's correct.

Q. And from that late June-early July period then until August 30, 1987, he would have been, on the basis of information you have provided us with, steroid free?

25 A. That's correct.

Q. All right. And I just want to be clear, to your knowledge in 1987, leading up to the Rome world championships, did Ben Johnson take any other kind of drugs that might have been used as a masking agent or a blocking agent or anything of that variety to help him pass, as it were, the drug test that he took at Rome?

A. Not to my knowledge, no.

Q. All right. Then finally in 1988, Ben Johnson was tested at the Ottawa indoor meet in January presumably because he set a world record there, is that so?

A. Yes, it was sort of an obscure record. There is some confusion between the 55 meters and 60 yards. So, for one of those distances apparently he set a world record.

Q. All right. In any event, whatever the reason, he was drug tested at that meet?

A. Yes.

Q. All right. Obviously there was no problem with that test. And in 1988, again on August the 21st, in Zurich, of last year, when he ran in the 100 meter race that involved Carl Lewis, he was tested in Zurich; is that so?

A. On the 17th, yes.

Q. Sorry. Cologne, I guess was the 21st?

A. Yes, Cologne was the 21st.

Q. All right. And then, of course, to complete the list, the third time he was tested was in Seoul at the Olympics?

5

A. Yes, that's correct.

THE COMMISSIONER: It was only in Seoul that he was using diuretics before the test; is that right?

THE WITNESS: Yes. To my knowledge.

10

BY MR. ARMSTRONG:

15

Q. Now the question that the Commissioner was interested in yesterday was at the National Championships in Ottawa, on August 5 and 6, Ben Johnson was not tested. Can you tell us why he was not tested, and what the arrangements were for testing of those people who participated in the 100 meter race?

20

A. Well, on the basis of the number of the tests available, they would draw for the events and decide how many tests would be done. As you can imagine in a major games, they would probably test the first three places and then at random thereafter, but, obviously, you are looking at 500-plus dollars per test. Obviously, there is a limit as to how many they are going to run.

25

They had been -- there had been complaints

at the national level at the time that testing was introduced that they were only testing first place. So, for example, the same athlete would be tested twice and no one else would be at risk at all because it was pretty
 5 easy to know who was going to win. So they had to find a way that everyone would be running the same risk of being tested.

Q. And of those who ran in the 100 meters final, do you know who was tested?

10 A. Desai Williams.

Q. Desai Williams was tested?

A. Yes.

Q. All right. In any event, I am assuming based on the evidence that you have provided us with in
 15 the last day or so, that if Ben Johnson, in fact, had been tested in August, at the nationals in Ottawa, your belief would have been that he would have been clear and would have passed the drug test?

A. Yes. Especially since he would have at
 20 least been as far removed from steroids, and by his statement to me, farther removed from steroids than Desai Williams was at that point.

Q. All right. Now, Mr. Francis, in the last three days of your evidence --

25 THE COMMISSIONER: Before you go on to

that, may I ask Mr. Francis, and I am going to ask many questions later, but how do you account for that. If your evidence is right, your athletes were on a continuous steroid program for many years prior to 1986.

3 THE WITNESS: Yes, that's correct.

THE COMMISSIONER: And the ban is using these performance enhancing drugs, that's what's banned?

THE WITNESS: Yes, that's correct.

10 THE COMMISSIONER: And a test is merely evidence as to whether in fact the athlete had been using it?

THE WITNESS: Yes.

15 THE COMMISSIONER: And what is banned is to use it to enhance your performance; you do that during the training period?

THE WITNESS: That's correct.

THE COMMISSIONER: So, the drug has accomplished its purpose before the meet?

THE WITNESS: Yes, that's correct.

20 THE COMMISSIONER: So, if your evidence is correct, these athletes were on a lengthy steroid program for many years, and yet during these periods when they were tested there was no positive finding of steroid in their urine?

25 THE WITNESS: Yes, that's correct.

THE COMMISSIONER: How do you account for that?

THE WITNESS: Well, as you say, the main benefits are in the training period --

5 THE COMMISSIONER: That's the only benefit because you don't have to have any drug in your system on the day of the race, that doesn't do you any good.

THE WITNESS: Oh, absolutely not --

THE COMMISSIONER: So, in fact, what is
10 banned is the use of it to enhance performance. And you do that as you have outlined in detail in your training program along with the other exercises and training that you give to your athletes?

THE WITNESS: Yes. The optimal benefits
15 would usually occur 20 to 50 days after the cessation of an anabolic steroid and --

THE COMMISSIONER: So if an athlete has been taking steroids, the fact that he hasn't been found to be positive doesn't mean that he has not had the
20 benefit of the drug, just the opposite?

THE WITNESS: Absolutely not. If there was a conclusive way to test in Seoul, if the information is correct that Dr. Vey from the U.S. Olympic Committee --

THE COMMISSIONER: Well, if they had the
25 information, assuming your evidence is correct, if the IOC

had that information before Johnson entered the race, he would not be qualified to run?

THE WITNESS: If they knew that indeed he had used them, yes, that is correct.

5 THE COMMISSIONER: How do you account for the fact that none of these tests proved positive? Is the timing and your -- and the information you got that it would clear your system within a certain period of days, is that what we are talking about?

10 THE WITNESS: Well, primarily and, of course, other countries would have even more access since their medical director would be in direct co-operation with the development of a procedure to get around the --

15 THE COMMISSIONER: Were your athletes tested privately before competition to see what the situation was? Did they take any urine tests?

THE WITNESS: No, we have no access to any such --

20 THE COMMISSIONER: I see. Not privately, in Canada?

25 THE WITNESS: -- procedures. As you might realize, you are looking at gas chromatography which is obviously a very expensive piece of equipment, and it must be calibrated, and you must know in fact what they are looking for, none of which we would know.

THE COMMISSIONER: The real issue is not whether our athletes were found to have a positive finding, the issue is whether they were taking these performance enhancing drugs. That's really what we are talking about?

THE WITNESS: For the purposes of this hearing, but for the purposes of cleaning up the sport, of course, you are looking at the possibility of finding a way to test these individuals if indeed --

THE COMMISSIONER: No, I understand that to test them but before the competition.

THE WITNESS: Yes, I wouldn't say that competition testing is of great value in terms of steroids. It's more in value in terms of other substances, amphetamines or other performance enhancing substances.

THE COMMISSIONER: Yes, which might help the athlete on the date of the race.

THE WITNESS: Yes, which would help him on the day.

THE COMMISSIONER: All right. We are going to go into those other substances at another time, but I was just trying to -- so, the information you had, would this also be given to you? I mean you have got a lot of knowledge about obviously pharmacology, but who

would tell you that if the athlete didn't take a steroid over the next days of a meet, he should be clear?

THE WITNESS: There are many publications, in fact, on the market today --

5 THE COMMISSIONER: That would give information?

THE WITNESS: That would give information.

It should also be understood that in certain countries not all events are like the 100 meters, for
10 example.

THE COMMISSIONER: Right.

THE WITNESS: We know that it's of no value close into the meet, but were you a shot-putter that could become a very important piece of information.

15 So, if individual testing were done as is done in certain countries where you have a ship in the harbour and you go right in, they know with that individual what the individual's clearance time is and it can vary dramatically.

20 For example, we know from private testing done in '84 in the United States, that certain athletes were clearing Dianabol in seven days, but we had always allowed 28 days to be conservative.

25 THE COMMISSIONER: But that whole exercise is to avoid the positive finding. That's the purpose of

that exercise?

THE WITNESS: Yes.

THE COMMISSIONER: All right. And have you
any knowledge of whether those periods of time of
clearance is in any way dependent on the length of the
time that the athlete was under a steroid program.

5

10

THE WITNESS: Yes, that is believed to be
so. The shorter the period of time that the athlete is on
and the smaller the dose, it should be reasoned that it
would take --

THE COMMISSIONER: It would clear earlier.

THE WITNESS: -- less time for the athlete
to clear the test.

15

THE COMMISSIONER: But the longer the
program and dependent on the amount being taken, might
mean that you would need a much longer time to clear.

THE WITNESS: Potentially, but I believe --
you know, the clearance times that are generally given to
the athletes are on the basis of a long exposure.

20

THE COMMISSIONER: We may have expert
testimony on this subject later, but I just wondered. You
were getting information from publications?

THE WITNESS: Doctors, any one who was
prepared to give information.

25

THE COMMISSIONER: And -- all right.

THE WITNESS: Athletes who had access to labs. One of our athletes had access to a lab in the United States in '84, it's my understanding.

THE COMMISSIONER: All right.

5 THE WITNESS: And that --

THE COMMISSIONER: Well, we might come back to that. I was just trying to put this discussion in some sort of a context. And perhaps we will have the benefit of your views as to how we go about this in the future, that might come later. I might ask you about that later.
10 Go ahead, Mr. Armstrong.

BY MR. ARMSTRONG:

Q. Thank you, Mr. Commissioner. Let me
15 just carry these thoughts a bit further.

Put another way, the fact that Ben Johnson and your athletes always managed, with the exception of Seoul in Ben Johnson's case, to be clear at the time of competition, and indeed if we accept other evidence that
20 we have had before this Inquiry about there being a number of other people on steroids, what all of this -- and they, in turn, many have been able presumably to pass the drug tests at competition, what this demonstrates clearly is there is at least a large element of futility related to
25 testing in competition if that's the only time that

athletes are tested?

A. Yes, that's correct.

Q. Because you and your athletes and others who participate in the use of drugs, really operate
5 on the basis that you can beat the test in two ways: either by operating according to a time-tested or tested clearance time or known clearance time, or by using a masking or blocking agent. Isn't that so?

A. That's possible, yes. But that's very
10 dependent on the level of technology available to the country in question.

I might point out that at the time that this whole incident became public, there was a considerable discussion among experts on the general feeling of how
15 much -- how many actual athletes were involved in the use of anabolic steroids. The figures ranged from 20 percent to 80 percent of athletes at the Olympic level. Dr. Voy took a middle position. He was the head of UCLA lab at the United States.

20

25

1 Q. No, that's not Dr. Voy. Dr. Voy is the
2 head of the IOC medical staff. Dr. Catlin is....

3 A. Okay.

4 Q. ----the IOC lab.

5 A. I'm sorry, but Dr. Voy had mentioned a
6 figure somewhat above 50 per cent. Obviously, if testing
7 in Seoul was reflective of the use of anabolic steroids,
8 then you would have between 800 and 1,000 positive tests
9 based on 1,700 samples collected.

10 Q. And, I don't know -- it's perhaps
11 unfair to put this question to you and maybe I shouldn't
12 and maybe the Commissioner will say, look, save that for
13 another witness but I suppose another approach may be
14 based on the approach they used with Ben Johnson is,
15 rather than testing for the presence of either the drug or
16 metabolites in the urine maybe they should be testing the
17 endocrine profile of athletes?

18 THE COMMISSIONER: Well, I am don't sure
19 this witness is an expert in that.

20 MR. ARMSTRONG: I thought you might say
21 that.

22 THE COMMISSIONER: All right.

23 THE WITNESS: I'd be certainly happy to
24 render an opinion, if I were asked.

25 THE COMMISSIONER: I think we should have

1 more scientific evidence for that basis. You have your
2 own expertise, but others have a little more expertise in
3 the science, Mr. Francis.

4 THE WITNESS: Yes, and I might say that's
5 the first I'd ever heard of such a suggested test was in
6 Seoul.

7 THE COMMISSIONER: You told us that
8 yesterday. Will you get on to something which I will
9 allow you to ask?

10 MR. ARMSTRONG: All right.

11
12 MR. ARMSTRONG:

13 Q. Mr. Francis, for the last few days we
14 have focused on your athletes and you and the use of
15 steroids by them during the, roughly, last decade. I
16 wanted to turn now to what information you have or
17 gathered in that period generally and, first of all, let
18 me ask you this; did you continue, in the last decade from
19 '79 until the present, to hold the view that track and
20 field athletes at the highest levels in those events where
21 performance enhancing drugs would be of some use, that
22 indeed the great majority were using performance enhancing
23 drugs?

24 A. Yes, I did.

25 Q. And I assume that over this last decade

1 that the use of anabolic steroids and the use of
2 performance enhancing drugs generally has been a subject
3 of discussion among track and field coaches, athletes and
4 officials associated with the sport?

5 A. Yes, it has.

6 Q. And I assume that you, as a significant
7 and high profile member of that community, have
8 participated in such discussions?

9 A. Yes, I have.

10 Q. And let me ask you this, as a result of
11 your participation in the sport in the last ten years and
12 as a result of the discussions that I've just referred you
13 to that you've had in that decade, have you from
14 time-to-time come to any opinion as to whether at certain
15 track and field meets there has been a practice, perhaps
16 not universal, but a practice from time-to-time that
17 positive test results for performance enhancing drugs have
18 been suppressed?

19 A. Yes.

20 THE COMMISSIONER: Well, that would only be
21 his opinion. I gather the witness has no direct knowledge
22 of it or has he?

23
24 MR. ARMSTRONG:

25 Q. Well, is that your opinion or do you

1 have direct knowledge?

2 A. Well, it's been hinted to me by coaches
3 that some of their athletes might have had some
4 assistance. That's sort of -- I don't know what you would
5 call that because they didn't come right out and say, yes,
6 so and so was positive and it was covered up.

7 Obviously, there has been a case in the
8 newspaper in the last week where, for the very first time,
9 there is an athlete who came forward and said, yes, I was
10 covered up and that was Diane Williams.

11 THE COMMISSIONER: Well, that we don't know
12 whether -- we may have read that but Ms. Williams has not
13 been testifying. She may have said ----

14 THE WITNESS: I just saw her on television.

15 THE COMMISSIONER: These statements there are
16 allegedly what have been said. I often read later that
17 the same athletes deny something the next day and it
18 really doesn't help very much.

19 MR. ARMSTRONG: Well, I'm going to leave it
20 there.

21 THE COMMISSIONER: Well, I guess -- I think
22 the support from what Mr. Francis is doing is explaining
23 why he embarked upon this course. I think he's entitled
24 to do that. His opinion may be correct or it may not be
25 correct. But I think he's entitled to explain his conduct

and why he embarked upon this program.

MR. ARMSTRONG: No, I understand that and I agree and I agree also that we have to be careful but this particular evidence, with all due respect, is not all that controversial. Mr. Francis is not the only person who will, I expect, appear before this Inquiry and express that view.

THE COMMISSIONER: All right. It's an opinion expressed but often the validity of the opinion is dependent very much on the underlying knowledge of the facts.

MR. ARMSTRONG: All right.

THE COMMISSIONER: But he is entitled to give his opinion because that's why he is explaining his conduct, I think. Go ahead.

MR. ARMSTRONG: Well, I'm going to move on to another subject.

THE COMMISSIONER: All right. Well, I am not cutting you off completely; just slowing you down.

MR. ARMSTRONG: All right. A few people in this room think I have been moving rather slowly since day one. So, in any event, I ---

THE COMMISSIONER: I think what he said is that he is obviously an expert in track and field and, like most experts, they are allowed to give their opinions

1 and for me at the bench they do give weight to it. If it is
2 necessary.

3 I think he is entitled to give his opinion
4 because throughout, what Mr. Francis is saying is that he
5 has discussed what he actually did and I think it's fair
6 to him to allow him to explain why he was doing it, and
7 that's what he has been doing.

8 MR. ARMSTRONG: All right.

9 THE COMMISSIONER: All right.

10 MR. ARMSTRONG: Well, in any event, Mr.
11 Francis answered the one question I was going to put to
12 him on that and I'm going to leave it there.

13 THE COMMISSIONER: All right, thank you.

14 MR. ARMSTRONG: Thank you very much.

15

16 MR. ARMSTRONG:

17 Q. I wanted to ask you about a particular
18 drug that I don't think I've asked you about up to this
19 moment in time but I'll -- if I have, I want to ask you a
20 few more questions about it, and that's a drug called
21 probenecid and have you heard about that drug?

22 A. Yes, I have.

23 Q. And in the athletic world, is that a
24 drug that has been used? And, if so, what is your
25 understanding of why athletes use it?

1 A. Yes, it's used by athletes as a
2 blocking agent for anabolic steroids.

3 Q. And to your knowledge, did anybody in
4 your group ever use it?

5 A. No, they did not.

6 Q. And, in particular, I want to ask you,
7 did Ben Johnson, to your knowledge, ever use it?

8 A. No, he did not.

9 Q. In the track and field community of
10 which you were a part in 1987, was there some general
11 discussion at the time, again without getting into
12 specifics, but was the use of probenecid a topic in the
13 track and field community, a topic of discussion at that
14 time?

15 A. Very much so. After the Pan American
16 Games in Indiannapolis in '87 where a number of tests
17 showed the presence of probenecid in the urine.

18 Q. And at that time, in 1987, probenecid
19 was not, in fact, a drug listed on the IOC banned list?

20 A. No, it was not.

21 Q. And prior to the Olympic Games in 1988,
22 in Seoul, Korea, it did, in fact, become a drug listed on
23 the banned list because of the experience that you have
24 just referred to and other information, presumably?

25 A. Yes, that's correct.

1 THE COMMISSIONER: This is the world
2 championship in 1987?

3 MR. ARMSTRONG: Pan American Games.

4 THE COMMISSIONER: Pan American Games in
5 Indiannapolis?

6 MR. ARMSTRONG: Yes.

7
8 MR. ARMSTRONG:

9 Q. Now, Mr. Francis, I wanted to ask you
10 some questions about other information that you may have
11 received during the decade of the 1980's from Canadians,
12 in particular, and I want to take you to 1981 and a
13 conversation that you had in that year with Bishop
14 Dolegiewicz.

15 Can you tell us about such conversation, if
16 you had a conversation in 1981 with Bishop Dolegiewicz and
17 here I have in mind a conversation you may have had in
18 Rome?

19 A. Yes.

20 THE COMMISSIONER: In Rome?

21
22 MR. ARMSTRONG:

23 Q. Rome.

24 A. Yes, this was at the World Cup of track
25 and field in Rome in 1981, that was at the end of August,

1 and I had a discussion with Bishop where he told me that
2 he was in a room with three medical directors from
3 prominent western countries and in the room there was an
4 exchange made between, from one medical director to
5 another, of 5,000 Dianabol tablets and 1,000 25 milligram
6 bifid amphetamine tablets.

7 THE COMMISSIONER: What was the first group?

8 THE WITNESS: 5,000 Dianabol steroids
9 tablets and 1,000 amphetamine tablets.

10
11 MR. ARMSTRONG:

12 Q. Then in the same year, 1981, I want to
13 take you to Venezuela and were you in the company of a
14 group of athletes at a track meet in Venezuela that
15 involved a discussion at that time about anabolic
16 steroids?

17 A. Yes, I was.

18 Q. Tell us about that, please?

19 A. We were sitting in a room having a
20 beer; there was myself, Angella Issajenko, Rob Gray,
21 Bishop Dolegiewicz, Harold Willers and Jack Harkness.

22 Q. And did somebody else come into the
23 room at some point in time?

24 A. Yes, Larry Eldridge came into the room.

25 Q. Let me just stop there. Who is Larry

1 Eldridge?

2 A. He was on the Board of Directors of the
3 Canadian Track and Field Association and he was the past
4 director for the Olympic Games in Montreal and was, I
5 believe, a member of the IAAF -- I'm not sure.

6 Q. And just before you go ahead with Larry
7 Eldridge, I assume all of the other individuals that you
8 mentioned who were there, they were all track and field
9 athletes, were they?

10 A. Yes.

11 Q. Principally throwers?

12 A. Principally throwers with the
13 exception, obviously, of Angella and myself.

14 Q. Tell us about that meeting, please.

15 THE COMMISSIONER: What was the date again,
16 please?

17 THE WITNESS: That would have been ---

18

19 MR. ARMSTRONG:

20 Q. 1981?

21 A. It was in '81, perhaps late July or
22 August at the World Cup tried Ciudad, Bolivar which is
23 somewhere in the jungles of Venezuela.

24 He was, Larry Eldridge was in quite an
25 agitated state when he came in the room and he mentioned

1 to all there that he had had a report from an IAAF
2 representative that some very large Canadian athletes had
3 been observed purchasing anabolic steroids in the local
4 pharmacies and he was very angry that this was creating a
5 bad reputation for Canada in the community and so on and
6 so on.

7 And, at that time, Rob Gray replied to him,
8 well, geez Larry, we wouldn't have to buy all this cheap
9 stuff if you hadn't cut off our food supplement money from
10 Sport Canada.

11 At this point, Larry became very agitated
12 and left the room.

13 Q. All right. Then, Mr. Francis, I want
14 to take you to March of 1982 at a time, I believe, when
15 you had a discussion concerning the Alexis Paul-MacDonald
16 situation that you testified to earlier.

17 You will recall that you had told us that
18 after she had tested positive for a certain drug, there
19 was some concern about whether it was related to a birth
20 control pill and a study was done that involved Angella
21 Issajenko and some other athlete and, as a result of
22 that, I believe in March of 1982, there was some meeting
23 that you attended and could you take us to that meeting
24 and tell us about a discussion you may have had at that
25 time about your athletes and the use of anabolic steroids.

A. Yes. I might go back over the situation just briefly. There was confusion as to what had happened with Alexis. She had denied taking steroids, to me and also to Doug Clement and other officials from the Canadian Track and Field Association. Since it was known that her birth control pill, called Minestrin, was made up of 19-nortestosterone derivative called norethindrone, it was decided they would do a study to see if this product could be broken down into 19-nortestosterone. So Angela Issajenko, then Taylor, and Molly Killingbeck, Alexis and her sister -- perhaps there were others, but I don't think so -- were put on the Minestrin tablets for a two-month period and had a drug test once a month, I believe, and the results were checked.

When the study was completed, none of the tests were positive, meaning that it did not appear that a positive test could be generated from this birth control pill, at least not in a quantity that would show up in the testing of the day. So at the conclusion of this test, obviously the defense of Alexis had failed and she would have to be suspended by the Association.

Don Fletcher, who was then the, I guess he would have been called the Director General, I think was his title, of the Canadian Track and Field Association, meaning he was a member of the paid staff, called a

meeting in Toronto, which was attended by -- it was held
at Ross Earl's public school, called Tecumseh. In
attendance was Ross Earl, the president of the Scarborough
Optimists Track Club, myself, Alexis Paul-MacDonald and
5 Don Fletcher.

In this meeting, Don Fletcher told Alexis
that the study had been a failure and that all the tests
had been negative; therefore, leaving no other conclusion
than she had taken a banned substance and, therefore, she
10 was suspended. And he asked her again if she had anything
to say, you know, regarding her use of the drug. She once
again denied it. And then she left.

Q. All right.

A. At that point, he asked Ross Earl and
15 myself if we knew anything about her use of steroids. We
both replied no. At that point, Ross went back to teach a
class, and Don Fletcher and I went across the street to
the local donut shop to have a coffee and we continued the
discussion.

Q. Tell us about that, please.

A. At that point, Don Fletcher asked me
once again if I knew anything about her or had any
knowledge or any involvement with her in her use of
anabolic steroids or could shed any light on the
25 situation. And I said once again, no, I didn't know

anything about it and she had never told me anything. I couldn't help.

He then asked me, "What about your other athletes? Can you guarantee me that we're not going to have a problem with your other athletes?" I phrased my answer very carefully. I said, "I am not going to guarantee you that other athletes in my group will not be using anabolic steroids in the near future." This was around March of '82. And I said, "As a matter of fact, I most certainly do not want a repetition of the problem that has occurred here. I want to know what my athletes are doing, and I think you should cooperate."

I told him that there were two competitions coming up that might be tested meets, Celja, Yugoslavia, which was a dual meet between Canada and Yugoslavia, and Milan in Italy, which was an international competition. I asked him at that point to find out if there was going to be testing in those two competitions.

He went back to Ottawa, and about a week later I got a telephone call from him. He told me he had phoned the federations in the two countries, told them that he was doing a study to decide on an antidoping program for Canada and he wanted to know what doping plans were in place for their countries so that he could decide on his program. They told him that Yugoslavia and Milan

were not on the list of tested meats. He phoned me back and told me this. However, he also added the proviso that obviously he couldn't continue to be running surveys all over Europe, and I was just going to have to find some other source of information.

Q. That was the end of the conversation, I assume?

A. That's correct.

Q. All right. Mr. Francis, I want to take you to another period in 1982 that you have testified about already, and that is the Eight Nations meet that took place in Tokyo in September of 1982 at which Canada had a team participating, along with the United States, the Soviet Union and a number of other countries, and you indicated you were there. Did some problem at that meet arise concerning whether or not the athlete Bishop Dolegiewicz would be able to compete in the Eight Nations meet?

A. Yes.

Q. Tell us about that, please.

A. The competition was held on the 28th of September. It was a lead-up competition to the Commonwealth Games, which were starting on the 2nd of October, I believe. Bishop came to me and mentioned to me at the time that he was very upset. He had called Gerard

Mach at the office of the Canadian Track and Field Association and asked him if there would be testing at the Eight Nations meet. He was told that there would not be.

5 I might point out that because -- the structure of the meet was that it was straight finals, meaning only eight competitors would be competing, one from each country. As he was the winner of the national championships, he had the choice of whether he would attend this competition or remain in the training camp in 10 Hawaii. On the basis that he understood it was not a tested meet, he decided he would like to have a tune-up competition. But he would not be, as obviously in the shotput event, it's of interest to the athletes to take the steroids as close as possible to the competition, he 15 would only be clean in time for the Commonwealth Games, not for the Eight Nations meet.

He was very upset. He said if Gerard didn't know, why didn't he just tell me he didn't know? Why did he say no? He was quite agitated and wasn't sure what to 20 do. This was on the 27th. Later that afternoon or early evening, a meeting was called in Don Fletcher's room. In attendance was Don Fletcher --

Q. This is the same Don Fletcher that you referred to earlier as being the director general or the 25 senior paid officer of the Canadian Track and Field

Association?

A. That's correct. In the room was Don Fletcher, Gerard Mach. There was the throws coach.

Q. That's Jean-Paul Baert?

5 A. Jean-Paul Baert. I'm sorry. I forgot his name for a moment. And myself. And in this meeting, Gerard opened up the meeting. He was very disturbed, and he says, "I just don't understand what's going on, these athletes today," and this sort of thing. He was very
10 angry. And he also realized he had a very big problem because Bishop was one of the biggest stars on our team. He already had a problem because Debbie Brill was injured and wouldn't be able to compete. So that meant that out of, perhaps, six stars on the national team, for which he
15 had gotten one of the most prestigious invitations in the world, out of the six stars we had, two were not going to compete.

Q. And just to bracket it, Debbie Brill was a high jumper?

20 A. Yes, but a very highly ranked and highly respected high jumper. It was important to our credibility as a nation. So with her already unable to jump, and now with the problem of Bishop, he didn't know what to do because they might not get another invitation
25 or --

THE COMMISSIONER: Was he a shotputter,
Bishop?

A. Yes, and very highly ranked. The
suggestion was then made -- I've left out one individual
5 who was present in the room, I'm sorry, Dr. Doug Clement,
the medical director of the Canadian Track and Field
Association at that time.

THE COMMISSIONER: What was the discussion
about? Was there discussion why Bishop was not going to
10 compete or what were they talking about? What was the
problem?

A. The problem was that Bishop Dolegiewicz
had informed them that he could not pass the drug test.

THE COMMISSIONER: At this meeting? Was this
15 said at this meeting or was this before?

A. This was said earlier. I wasn't present
when it was said earlier. I only was privy to the
conversation that Bishop had directly with me. But it was
clear that --

THE COMMISSIONER: I don't mean to
20 interrupt, but you were at a meeting? You're discussing
what went on at the meeting?

A. And Bishop was not in this meeting at
that time.

25

MR. ARMSTRONG:

2. All right. In any event, the meeting, presumably, was to discuss Bishop's problem, and just tell
5 us what was said and what action, if any, was taken.

A. Well, Gerard was very concerned that he not compete. It was known that he had a pre-existing shoulder injury, so the possibility was that he could simply produce a medical certificate and not compete in
10 the competition. There was considerable discussion going back and forth, could he potentially at least put in one throw and then, you know, excuse himself from the competition with this injury so at least he would have tried and so forth? I was adamant that that was insanity,
15 that if we know that an athlete has a problem, he should never set foot inside the stadium so there's no possibility that he can be tested. They agreed that that would be the course of action and he, in fact, did not compete in that competition.

20 Q. And indeed, it is so, in fairness, that Dolegiewicz did in fact have a shoulder injury --

A. Yes, he did.

Q. -- that legitimately a physician could have signed a medical certificate for to excuse him from
25 that competition; is that not so?

A. That's correct, absolutely. It was not a situation where they were inventing an injury. He did have the injury, and, in fact, there had been some discussion whether or not he would come to the competition in the first place.

Q. But in addition, presumably, to this legitimate injury that he did have, he had this additional problem?

A. Yes, and it became clear afterwards that the right decision was made. Although there was random testing in that competition and very few people indeed were tested, in the shotput, out of the seven remaining competitors, all seven were drug tested.

MR. ARMSTRONG: All right. Then bear with me just for a moment, please, Mr. Commissioner.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. Now, I wanted to ask you whether or not you have ever had any discussions with other officials of the Canadian Track and Field Association about the implementation of a random testing program for Canadian Track and Field athletes?

A. Yes. There have been a number of discussions on the subject over the years. Since the Pan

Am Games in 1980 while there was an exodus of athletes and so on, there had been a great deal of discussion about the prevalence of anabolic steroids, and, obviously, the only way to begin to attack the problem if, in fact, you wanted to was to introduce random testing. Doug Clement for some years --

THE COMMISSIONER: That's not random testing in a competition; that's random testing for --

A. Random testing outside of competition without notice. Doug Clement for years had been pointing this out. In fact, since that first meeting in 1979 he had made the suggestion that if you were serious about ending anabolic steroids, you would implement random testing.

15

MR. ARMSTRONG:

Q. And again, we mentioned Dr. Clement both today and earlier in your evidence, and Dr. Clement is certainly clearly on record and clearly on record with you throughout that he is opposed to the use of anabolic steroids and has consistently been so on the basis that, in fact, it's cheating?

20

A. Absolutely. On ethical grounds.

THE COMMISSIONER: Your voice dropped.

25

MR. ARMSTRONG: I'm sorry, on ethical

grounds on the basis that it's cheating.

A. Yes, he was definitely opposed on ethical grounds. He didn't have a medical objection, as he did have an ethical objection, which he stated time and again. In 1985, there was to be a competition in Provo, Utah, and as part of the antidoping program being suggested by the Canadian Track and Field Association, there was a suggestion that doping controls be carried out in Provo.

THE COMMISSIONER: Would that be competition, though?

A. Well, it was left up -- it was a bit cloudy. I'll get to that in a minute. Obviously, from the position I was in, I was against random testing, as you can well imagine.

The competition came about, and a gentleman named Tom McWilliams, who was in charge of the antidoping program at that time, arrived in Provo with a series of bottles for testing and so forth. I believe there were quite a number of samples to be taken. There was a discussion with the coaches present, Gerard Mach and a series of other coaches in the sprint area, to talk about how the samples would be taken. And apparently Tom McWilliams made flight arrangements or something. He assumed he was just going to come in there on a Tuesday,

take the samples on a Tuesday and fly out again, but the competition was the next day. From my perspective, I felt that if they were permitted to come in there and take the samples on the Tuesday, then, in fact, you have accepted the concept of random testing because it's out of competition.

THE COMMISSIONER: I'm puzzled. Wait a minute. The meet itself was not going to be tested? Was this a competition?

A. This was a competition held in the United States.

THE COMMISSIONER: But was it going to be testing the competition? Obviously not --

A. No. It was a small competition. There would be no normal drug testing.

THE COMMISSIONER: I understand now.

A. But my feeling was that if testing proceeded on the Tuesday, it would be construed as being the acceptance by everyone concerned of random testing. Random testing had not been approved by the board of directors or any other body within the Track and Field, and there were questions of legality and so on. Obviously, I was opposed. And I said that, "No, it's not an approved procedure. They can't be carried out in this way. It has to be carried out after the competition."

And then the argument ensued that, well, there are a number of athletes here who, in fact, will not compete, and I got around that by simply making sure that every athletes' name was entered in the competition whether they intended to run or not. And the samples were, in fact, taken after the competition. The names were drawn from a hat and so forth.

MR. ARMSTRONG:

Q. All right. Then I want to move you ahead to -- I'm sorry, perhaps before I move you ahead, is that the end of the Provo, Utah story?

A. Yes, but I was simply trying to establish that no precedent had yet been set for random testing because, obviously, it was of great concern if we intended to remain as a track power.

2. All right. Then I wanted to move you ahead to the year 1986. And did you in 1986 enter into some discussion with an official of the Canadian Track and Field Association about the implementation of random testing?

A. Yes, we were becoming very concerned obviously that the situation was coming to a head. There was a good possibility that random testing would be implemented.

At that time, I had had numerous discussions in Europe trying to investigate what was going on in other countries that indeed had random testing. I had been to a conference where I was lecturing at Loughborough College in Britain, and I had met some coaches there in the sprint field. And I started asking them about the random testing program being carried out in Britain.

I was told at that time that there was a lot of suspicion about a random testing program being carried out there. It was suggested by one of the coaches that in fact they were drawing the names out of a hat but the names of those they were suspicious of were not in the hat or top athletes. So, they stood no risk of being tested.

I also asked this individual how it was statistically possible that in all the years of random testing in Britain, no one had ever tested positive. And

he said, yes, that certainly appeared to be impossible to him, given, you know, his knowledge of steroid use in Britain. So, I was convinced that the system was not on the up and up there.

3 I talked to a coach who was in Holland about the system over there. He had a prominent athlete who was world ranked. And he said, no problem, we have random testing here. They send a sample bottle along and say have your athlete fill the sample bottle. So, at the
10 hotel I am at at the time, so I call in the maid from down the hall, have her fill up the sample bottle and as long as the maid is not on steroids we don't have a problem.

So, I began to investigate what was going on, like I asked questions of an individual from the
15 Soviet Union, what's going on there. While, in fact, they are running random testing but only to ensure that the athletes coming in to training centres have not been given steroids prior to being given them by the team itself.

In other words, they didn't want to spend
20 money on an athlete who wasn't as advanced as they thought at a young age. And they wanted to control the use of anabolic steroids at the national training centres and not have it extend out of the training centres since the developmental coaches had an incentive to push athletes
25 into these training centers where they would receive bonus

money.

And the same thing was held true for the GDR.

Q. All right.

5 A. I was also told in West Germany by a coach there that they had had tremendous problems with the introduction of random testing. Dr. Donike was referred to rather unaffectionately as the "hunter". And he was considered the public enemy number one of most of the
10 coaches over there.

However, this coach hinted that in the last few years that unmarked samples were beginning to be tested there. And the athletes were getting back into the ball game.

15 THE COMMISSIONER: I am sorry, I don't understand that, what's unmarked samples?

THE WITNESS: Meaning that people could check their clearance times non-punitively if in fact they didn't know whose sample it was.

20 THE COMMISSIONER: I see.

THE WITNESS: They would know if it was positive or not, but the athlete wouldn't be punished for it.

25 So, I tried to decide what I should do. It was clear to me that most of the people in the federation

were really not aware of the scope of doping in the world.

BY MR. ARMSTRONG:

2. When you say the federation, you are
5 now referring to the Canadian Track and Field Federation?

A. Canadian Track and Field Association.
There was no reason to think that everyone there would
really be aware of the international scene. And I tried
to think who I could actually approach in a very tactful
10 way to talk about the problem.

I decided I would talk to Jean-Guy
Ouellette, who was the head of the Board of Directors. He
had been a friend of mine and a friend to all of the
athletes. And so we thought he was the likeliest person
15 to understand what sort of problem we faced at this time.

And I went to him, repeated the stories that
I have told you now and other stories. I explained the
situation that I could understand random testing if in
fact it was truly honest, and was truly universal, and if
20 in fact we could expect that all of the athletes of the
world would unilaterally disarm, I guess would be the best
analogy, but I could not agree that it would be a
reasonable course of action for Canadians to take an
action unilaterally -- and I should say multilaterally
25 rather, and we were going to take action unilaterally,

disarm ourselves and suffer the consequences. He was quite upset by this conversation. And he said, "If this is true, this is extremely disturbing. I want to talk to people at my acquaintance internationally and find out if what you are saying is true."

A few weeks later, he called me at my home and told me that, yes --

Q. Can I just stop you there before you move on to the next conversation with Mr. Ouellette. The conversation that you have just revealed and which you have provided to him the information you had on random testing, where and when approximately did that conversation take place?

A. There was a meeting in the fall of 1986 in Toronto, I believe it was.

Q. All right.

A. It was a coaches meeting or something.

Q. All right.

A. And perhaps a planning meeting for the future of track and field.

Q. All right. Then, I am sorry, I interrupted you, you said that he was going to make some of his own inquiries based upon the information that you had provided to him and then I think you said a few weeks later he called you on the telephone?

A. Yes. And he again was very disturbed. And he said this is extremely disturbing that it appears that what you are saying is true. And he said he had been in favour of getting rid of all these drugs and so
5 forth, but he couldn't understand how it was that Canada was going to be more Catholic than the Pope, I believe is how he phrased it. And simply we have to find some way that there will be a multilateral approach to this thing and not unilateral action that in fact is going to
10 eliminate Canada from international track and field.

Q. Yes.

A. And he said that he would try to discuss the situation at the Board of Directors level and see if in fact anything could be done.

15 I might point out that at no time did I say that anybody was doing steroids or -- to him.

Q. All right.

A. I was very careful of what I said, obviously.

20 Q. Yes.

A. Because I didn't know what his reaction might be.

Q. And so is that the end of that particular conversation?

25 A. We had had further conversations over

the years --

Q. All right.

A. -- to see what -- how -- whether or not
Canada's position could be reconciled with the position
being taken by everyone else in the world.

Q. Yes.

A. Very similar to disarmament talks you
might hold if you were with the super powers. You don't
unilaterally remove your nuclear weapons and expect that
the other side will follow your example and be impressed
with your --

THE COMMISSIONER: I am not sure that's a
proper analogy.

THE WITNESS: Well, I believe in some ways
it is because --

THE COMMISSIONER: Well, you are sort of
portraying the international competition, athletic
competitions as a war between nations?

THE WITNESS: I believe that is a fairly
accurate assessment.

THE COMMISSIONER: I see.

THE WITNESS: In terms of the money, in
terms of the technology being brought to bear, and in
terms of the action. And I think this is a very, very
clear analogy.

THE COMMISSIONER: You are not the only one. We had a coach in Montreal describe international athletic competition in war-like terms, too, so.

THE WITNESS: Yes, I believe that.

THE COMMISSIONER: But I am not certain that that would be a proper approach, but anyway, I hear what you are saying.

THE WITNESS: So anyway obviously you lose your ability to negotiate a multilateral agreement when you have taken action anyway.

THE COMMISSIONER: If you are already disarmed?

THE WITNESS: If you are already disarmed, you have no real ability to get your opponent to disarm. It's the same if the United States removed all weapons from their territory and then went around randomly and checked every basement to find out that there were no rockets, they couldn't then expect that the Soviets would follow this example. In fact, they would probably be nuked and I believe --

THE COMMISSIONER: Well, can't we keep within the field of international athletic competition. We have got enough problems with this Inquiry about what we are doing, and I think we are getting a little far a field.

THE WITNESS: But I did believe that we were going to have the athletic equivalent of being nuked if in fact we were disarmed.

THE COMMISSIONER: I see.

5 THE WITNESS: We were, in fact -- in 1980. It's happening on a routine basis out there.

BY MR. ARMSTRONG:

10 Q. All right. Now, let me just bring you back to whatever conversations you had with Mr. Ouellette. Up to this point I have got it that you informed him of what you understood the situation to be internationally concerning random testing. He expressed his view that he had always been against the use of anabolic steroids, but
15 that he appreciated the dilemma that you were suggesting that Canada might well be finding itself in, and went on to say that Canada should not be more Catholic than the Pope. And he was going to discuss this with others.

20 And where did the conversation so far as you and Mr. Ouellette are concerned end up? Did they go any further than that?

A. Well, I really don't know what discussions took place at the Board of Directors level, but it was my impression that --

25 Q. Well I guess maybe it would be unfair

to Mr. Ouellette and others to give your impression. All I think I should ask you here subject to you, Mr. Commissioner, directing otherwise, just tell me what it was if you have any more that Mr. Ouellette said to you.

5 I mean, were there any other discussions between you and Mr. Ouellette on this subject of the implementation of random testing in Canada by the Canadian Track and Field Association?

A. Yes. We had further discussions over a number of years really, you know, leading up to this year.

10

Q. All right.

A. And he made it clear that he had become opposed to it if in fact the other countries were not going to honestly clean up their act.

15 Q. Opposed to random testing?

A. Yes.

Q. All right. And when you say you had a number of discussions, you have referred to the one in the fall of '86 at a meeting in Toronto; you have referred to the telephone call that you had a few weeks later. Can you recall any other particular discussions between you and Mr. Ouellette, or is this just a continuing discussion over the years right up to 1988?

20

A. It's basically a continuing discussion whenever we would meet.

25

2. All right.

THE COMMISSIONER: What happened to the proposal for random sampling in Canada --

MR. ARMSTRONG: That was my next question.

5 THE COMMISSIONER: -- in track and field?

THE WITNESS: Well, I can't really know what went on at that level.

THE COMMISSIONER: Is it in place now?

10 THE WITNESS: No -- well, yes and no. Apparently they have approved random testing, but I know of no case where it was implemented.

THE COMMISSIONER: As of when, though, as of this year?

15 THE WITNESS: As of this year after Seoul.

BY MR. ARMSTRONG:

20 Q. But are there any other discussions between you and Mr. Ouellette that you haven't told us about as to what he said, either his position was or the position of the CTFA was on random testing and in particular in the year 1988, let me ask you that?

A. Well, he never said anything about the CTFA, he was only talking about his position.

Q. All right.

25 A. And he was determined that random.

testing not occur prior to the Olympic Games.

Q. Well, did he tell you that?

A. Yes, he did.

Q. All right.

5 A. Because we would be internationally out of the picture, it became clear.

Q. And did he just -- is that what he said to you in so many words? Is that -- is that it or did he say anything else?

10 A. He also went further than that and said that if in fact random testing was put in, he would attempt to become involved in the process so that we would find out and have some advanced warning.

15 Q. All right. And I take it as a result of the response you just made to the Commissioner that random testing in Canada so far as it relates to track and field athletes did not in fact exist prior to --

THE COMMISSIONER: I think you said it's -- sorry?

20

BY MR. ARMSTRONG:

Q. -- prior to Seoul in September of 1988?

25 A. Yes. I might point out that there were numerous discussions on various levels. There might be a Board of Directors discussion, there might be an annual

plan submitted by the Canadian Track and Field Association.

I am really not clear about all the
machinizations of the whole thing. I do know that there
5 was a discussion in -- at the national championships, I
believe it was in '87, in the Sports Science Committee of
the Canadian Track and Field Association Sport Science
Committee, where a proposal was brought forward that this
committee should take a position on doping. And I was
10 very unclear what position a Sport Science Committee
should be taking on doping because what are you supposed
to say. It's a moral issue, in my opinion, and I felt it
just makes no sense that a Sports Science Committee would
put forward a statement, because the hint coming to me was
15 that in fact --

THE COMMISSIONER: Well, I mean, I know
your view, but I am satisfied it's not just an ethical
situation. There is a real health hazard here in the best
advice I have, but your view is there was only an ethical
20 issue?

THE WITNESS: Well, that was discussed and
Doug Clement was present as well. And remember now we are
talking about track and field as opposed to some of these
body-building characters, power lifting and so on.

25 THE COMMISSIONER: I am talking anabolic

steroids and health, but you are not an expert on that.

THE WITNESS: Yes, but I have to once again point out there is a dosage-related and duration-related significance to anabolic steroids. No one can draw a line and say that -- very similar to the fact that if I take an aspirin a day I am not at risk --

THE COMMISSIONER: Well, I don't want to pursue that any further. I understand your views on that, Mr. Francis.

BY MR. ARMSTRONG:

Q. All right. Let me just take you back --

THE COMMISSIONER: That's not the best medical advice that I have been getting. You stick to your track and field and we will go into science later.

THE WITNESS: Okay.

BY MR. ARMSTRONG:

Q. Let me take you back, Mr. Francis, to the issue of random testing. In the current contracts I know of the carded athletes there is a provision which requires them to agree to random testing.

Did you ever have any discussion with Mr. Ouellette or anybody else about that provision in the

carded athletes' contracts that they agree to random testing?

A. Not with Mr. Ouellette. I had discussions with -- well, some years ago with Rob Gray, who, in fact, was the athletes' representative on the Board of Directors.

Q. All right.

A. And the discussion was that athlete contracts -- in fact, there were a number of provisions within the athletes' contracts that were of considerable difficulty to athletes.

THE COMMISSIONER: Since 1983, all the carded athletes had by contract or agreement they would not possess or use anabolic steroids?

THE WITNESS: Yes.

THE COMMISSIONER: That was the condition of the funding?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: Also a similar provision in your contract?

MR. ARMSTRONG: Well, in fact, we had --

THE WITNESS: I don't believe so.

MR. ARMSTRONG: -- Mr. Francis' contract and we just got it, and, indeed, there isn't such a provision --

THE COMMISSIONER: Pardon? There is?

MR. ARMSTRONG: There is not.

THE COMMISSIONER: Well, I want to find
that out because that's a mandate of the Sports Canada
requirement for all coaches since '80.

MR. ARMSTRONG: We can produce his
contract, but I was provided with a copy of that --

THE COMMISSIONER: With the CTFA --

MR. ARMSTRONG: -- on Friday from the
Canadian Track and Field Association.

THE COMMISSIONER: And that clause is not
in there?

MR. ARMSTRONG: And that clause is not in
there, no.

THE COMMISSIONER: All right. Thank you, I
stand corrected, Mr. Francis.

THE WITNESS: Now, I had a discussion with
Rob Gray about subject -- there were three subjects of
concerns in these contracts.

One was the wearing of national team
uniforms at a national championship which would make it
very difficult to get sponsorship because the sponsor's
name could not appear.

Two, the right of the Canadian Track and
Field Association to market the athletes basically without

compensation. It was very unclear what rights the athletes had to their own imagine.

And three, random testing.

Q. Yes.

5 A. And I was advised, well, if you don't agree, cross them out. And, in fact, many of the athletes did. They sent back their agreements, crossed out the sections on random testing, crossed out the sections on the other things they didn't agree with them, initialled them, and sent them in. And they were accepted as such.
10 And I believe there will be documents shown on file.

Q. All right. Now --

THE COMMISSIONER: And they continued to be funded.

15 THE WITNESS: Yes.

BY MR. ARMSTRONG:

Q. Now, Mr. Francis, we have been touching upon, and I suppose it might be said skating around the
20 ethical issue in so far as it relates to anabolic steroids. And I want to turn to it directly now.

It is now clear that you advised a number of Canadian athletes to use anabolic steroids which was and is against the Olympic rules, the IAAF rules, the CTFA
25 rules.

THE COMMISSIONER: And Sports Canada, and
the contractual --

BY MR. ARMSTRONG:

5 Q. And clearly against the policy of Sport
Canada as enunciated in it's doping policy document that
is filed in this hearing.

Put in simple terms, Mr. Francis, you
advised your athletes to cheat. How do you explain what
10 you did?

A. Well, I would -- I think we have
glossed over a number of issues here. Certainly I knew it
was against the rules. And although, of course, at the
time that most of the athletes were initially counseled,
15 there was no rule in place. It is only the later athletes
who were in contravention of stated rules and policies of
the various federations in question. Many of these
athletes going back to 1979, 1981, it was not clear what
the position indeed was by the federation, whether they
20 were turning a blind eye or what have you.

I was confronted --

THE COMMISSIONER: You are talking about
the actual federation, but you knew that the
international --

25 THE WITNESS: From the international, yes.

THE COMMISSIONER: -- it was banned long before '79.

THE WITNESS: Yes, that's correct. But I felt that I was faced with a dilemma that the athletes at the worlds highest level were almost across the board using banned substances. And I had the choice --

THE COMMISSIONER: This is your belief?

THE WITNESS: This is my belief which I hold to this day, that --

THE COMMISSIONER: You may be right or you may be wrong, but that's your belief is all you can say. It's your belief.

THE WITNESS: As I would consider myself a good judge of the international scene.

THE COMMISSIONER: All right.

THE WITNESS: And that is my belief that it is --

THE COMMISSIONER: I understand your position.

THE WITNESS: -- extremely widespread to the point that athletes cannot achieve the highest levels of track and field without resorting to performance enhancing substances that are on the banned list, anabolic steroids and other substances.

And if my athletes were to compete on a

level playing field with those other athletes. And clearly they too would have to carry on the same practices as their international competitors.

Also I felt that I had a dilemma because of my job description, which my contract shows. The number one point of my job description was the development of high level international athletes. And I think we may even get to this farther, if you will indulge me, that the dichotomy between being -- what was being requested and what -- and what in fact you would be allowed to do under the rules began to grow.

In fact, not only did I have the job mandate to produce the highest level athletes, in 1985 a document was produced by the Canadian Track and Field Association called Project 2000. And this project stated that the stated objective of the Canadian Track and Field Association was to be the number one sport -- track and field nation in the world by the year 2000, which was absolutely a journey into science fiction. And Gerard Mach, in fact, came back from that meeting and was so absolutely demoralized that he was throwing his hands in the air. He said, "In fact, he said this is just an incredible fantasy. We had \$860,000.00 last year in our operating budget, that was 4 percent of the operating budget of the Italian track team. We have now been cut to

\$380,000.00 this year and now we have Project 2000. They must mean Project \$2000 because that's what our budget will be by then.

5 So, this unbelievable fantasyland situation just continued, it continued to grow. The expectations grew higher and separated away from -- from the realities that were possible if you were prepared to follow the rules as stated by the IAAF and the IOC.

10 And I believed this is the situation that's faced all over the world. This is the reason why we have this problem today. And the universal denials, there is a -- we are awash in the sea of denials that constantly is coming to us. You can't begin to disarm and again, I go back to our armaments discussion. You cannot begin to sit
15 down at the table and disarm if in fact the -- for example, the United States and the Soviet Union cannot have the -- a disarmament talk if they both deny they have any nuclear weapons. And somehow it has to come out on the table and people have to recognize what's going on out
20 there, admit that the levels of performance that are going on are not possible without performance enhancing substances, and get on with the process of trying to make some changes.

BY MR. ARMSTRONG:

Q. All right, Mr. Francis, let's assume that we can make some changes. We, in fact, with your evidence, as with many other persons' evidence, have dwelled on the past, but I suspect really what everybody in this room is concerned about, and, in particular, the Commissioner, the future. Is there a future for this sport of track and field free of drugs, and if so, what is Canada's part in that?

A. Well, that's certainly is an objective that everyone would like to see.

Q. Does Charlie Francis want to see that?

A. I would like to see that, and I believe all the athletes of the world would like to see it also, even those who clearly have used banned substances. They didn't do it by choice, in their own opinion, certainly they did it --

THE COMMISSIONER: Well --

THE WITNESS: -- under pressure from preexisting pressures. None of the athletes who are competing today began the cycle. And it's clear that all of the athletes of the world would like a level playing field. And I believe that if drugs were to be eliminated, certainly Canada would be the biggest beneficiary because as you get more and more testing, more and more complex

situations, there is no question that Canada must lose the technological war against the major powers with the financial backing and so on. No one would gain more than Canada would if in fact sport were cleaned up.

5

BY MR. ARMSTRONG:

Q. Assuming, Mr. Francis, that the sport were cleaned up, and the nations of the world, including the Soviet Union, the United States, Canada, Britain and
10 so on, were indeed participating on a level playing field drug free, do you see yourself, if circumstances permitted it, playing a part in that situation?

A. If that were to be the scenario at some time in the future, then I could see the possibility of
15 participating. It's very difficult -- it's a long process that's very complicated. We shouldn't have any illusions about how difficult it would be to clean up the sport. But you have to recognize the complexities involved and address them one at a time.

20 Q. In fairness to you I think you have made it clear during the course of your testimony that there is more to the sport of track and field than anabolic steroids, and there is more to the coaching of track and field athletes than counselling them in respect
25 of anabolic steroids. Is that not so?

A. All right. And I have seen example after example of that both within Canada and without of athletes in fact who have gone ahead and done some good thing and used anabolic steroids and had no results.

5

Q. And indeed I don't think that it would be flattering you unduly to say and you would be too modest to admit, that you do have obviously a considerable talent for coaching track and field beyond simply counselling people to use drugs and get on the track as it were; you would agree with that?

10

A. Yes, I believe so.

Q. And I assume from what you have said that if in fact this Commission and efforts taken by others around the world will lead us to a drug-free track and free world that you, Charlie Francis, if circumstances permit it, could find a significant role to play for those talents that you have described during the course of your evidence?

15

A. I imagine so.

20

Q. Now, finally, Mr. Francis, I want to ask you a couple of questions that may be a bit personal, but I have a reason for doing so. And I hope you won't be embarrassed by them.

25

I wanted to ask you a little bit about your current financial situation. First of all, do you own a

house?

A. No.

Q. Do you live in an apartment?

A. Yes.

3 Q. You have never owned a house?

A. No.

Q. And I understand your personal assets consist of two automobiles?

A. Yes.

10 Q. One of which I believe was an automobile given to you by Ben Johnson?

A. Yes, that's correct.

15 Q. All right. And apart from those two automobiles, I assume your assets consist of the usual personal possessions?

A. Yes, furniture and so on.

20 Q. All right. And let me ask you this, were you approached after the Seoul Olympics by a foreign tabloid publication to tell your story of the Seoul Olympics and your relationship with Ben Johnson?

A. Yes.

Q. And were you offered a sum of money for doing that?

A. Yes.

25 Q. How much?

A. \$500,000.00.

Q. And what was your response?

A. No.

MR. ARMSTRONG: Those are all the questions

5 I have --

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: -- Mr. Commissioner.

THE COMMISSIONER: Perhaps we will take a
short break so counsel can get ready for the examinations.

10 I think we have agreed on the order. We will take a
15-minute break now.

--- Short Recess.

15

20

25

1
2 --- Resumed

3
4 THE COMMISSIONER: I think counsel have
5 agreed on the order of the continued examination of Mr.
6 Francis and it's been agreed, Mr. McMurtry, you can
7 proceed for the purposes of clarification and any matters
8 not covered but not to repeat what has already been
9 covered. Mr. McMurtry?

10 MR. McMURTRY: Yes, thank you very much,
11 Mr. Commissioner. I don't intend to be lengthy given Mr.
12 Armstrong's very thorough, professional and comprehensive
13 examination of my client.

14
15 EXAMINATION BY MR. McMURTRY:

16 Q. Mr. Francis, just very briefly in
17 relation to the last questions that was asked to you by
18 Mr. Armstrong and that was the fact that after the Seoul
19 Olympics, after you had returned to Toronto some weeks
20 after I believe it was, that you were offered this sum of
21 \$500,000 to give your story to an European tabloid?

22 A. Yes, that's correct.

23 Q. And you've already indicated to Mr.
24 Armstrong that you turned that offer down?

25 A. That's correct.

1 Q. And what was the principal reason for
2 declining that offer?

3 A. Well, I just didn't think it was the
4 way to go about it and the information was going to come
5 out, there is a proper forum in which to go through all
6 this and, certainly, I didn't want Ben to be
7 sensationalized in such a way that it would appear that he
8 was doing something that was extraordinary in his event.

9 My belief was, and is, that Ben participated
10 on an equal footing with all of his opponents and indeed
11 he won that race and had all the athletes been drug free
12 he still would have won.

13 Q. Well, in any event, you indicated you
14 wanted to give your evidence in its entirety in a proper
15 forum and not be sensationalized?

16 A. That's correct.

17 Q. Now, Mr. Armstrong asked you a few
18 minutes ago, I put it to you, that there is more to
19 coaching than anabolic steroids?

20 A. That's correct.

21 Q. You, of course, agreed with that. And
22 I'd just like to spend a few moments for you to talk about
23 your philosophy as a coach starting, if I might, with
24 perhaps the major influences that have effected your
25 approach to your profession as a track and field coach and

1 I think you've already told us that you have been an
2 athlete and a coach for approximately 25 years?

3 A. Yes, that's correct.

4 Q. And you -- was your philosophy or your
5 approach influenced by some of the coaches that you've
6 been in contact with?

7 A. Yes, there are a number of important
8 influences to me. My father was an artist and he had
9 worked with Professor Grant at the U of T medical school
10 and helped illustrate a lot of the anatomy textbooks and
11 so on. So, he helped me with anatomy.

12 I worked with my main coach in -- after high
13 school who was Percy Duncan.

14 Q. Just before you come to Mr. Duncan,
15 with the assistance of your father who was an artist and
16 who did specialize in anatomical drawings for the medical
17 textbooks, did you, yourself, undertake a study of the
18 human anatomy as part of your approach to track and field
19 both as an athlete and as a coach?

20 A. I felt it was important to understand
21 the functioning of the main movers, the prime movers for
22 the track athletes and understand the relative
23 significance and the percentage of contribution that these
24 muscles would produce.

25 Q. So, that was part of your study?

1 A. Yes.

2 Q. And then you mentioned Mr. Percy Duncan
3 who was your sprint coach?

4 A. Yes.

5 Q. And you were -- I think you were about
6 to tell us what you had learned -- what you learned from
7 him?

8 A. Well, he was in my opinion, the best
9 technician I've ever met and he worked on methods to learn
10 the sprint technique and so on and was a very able
11 demonstrator and teacher of the technical requirements of
12 sprinting and to this day he used the same techniques he
13 used with me.

14 Q. What would the major technical
15 approaches that you incorporated from Mr. Duncan?

16 A. Just basically the emphasis of the arms
17 and sprinting, the positions required, the emphasis of
18 relaxation and the methods of learning individual items in
19 a training program one step at a time.

20 Q. And were there other coaches who
21 influenced your approach to track and field?

22 A. Yes. Gerrard Mach who was, of course,
23 the head coach and still is the head coach for Canada. He
24 was really the father of double periodization in
25 sprinting, was respected throughout Europe and the world

1 for his work many years ago in Poland.

2 THE COMMISSIONER: What was that term,
3 double....

4 THE WITNESS: Double periodization meaning
5 that you had two or three peaks in a year rather than
6 simply one.

7 THE COMMISSIONER: I see.

8 THE WITNESS: It's a traditional approach
9 to always have one major emphasis for the year. He was
10 able to design programs that would have the athletes peak
11 more often and really these programs were more appropriate
12 by the types of work required for sprinters.

13
14 MR. McMURTRY:

15 Q. And I think you referred to earlier in
16 your evidence the concept of both double and tripple
17 periodization?

18 A. Yes, and I believe I went through the
19 1987 season.

20 THE COMMISSIONER: That's what you meant?

21 THE WITNESS: Yes, the peaking periods.

22
23 MR. McMURTRY:

24 Q. And any other coaches?

25 A. Yes, I had contacts with many coaches

1 throughout Europe and one who had a particularly useful
2 information for me was Horst Hilla from GDR who came up
3 with the concept of the taper periods required. The
4 amount of rest was much greater for sprinters than had
5 ever been imagined in the past and both in terms of their
6 recovery between high speed runs and in terms of the
7 period between their last highly intensive work out and
8 the competition itself.

9 Q. And in these -- with these coaches, in
10 your own experience, did you learn about the relationship,
11 for example, between the central nervous system and the
12 muscles of these particular -- of the particular athletes
13 that you were coaching?

14 A. Yes, and the amount of recovery
15 required for each of the different types of work that
16 would be introduced to them and so on. Recovery is
17 equally important to the assignment of work. For every
18 work thing assigned to the athlete, there is an individual
19 recovery required for that work.

20 Q. Now, apart from coaches, the many
21 coaches, others that you've already described by name,
22 have you had occasion to sort of pursue learning through
23 textbooks and articles that are available?

24 A. Yes, I always went through anything
25 that I could get my hands on. Obviously, it's not easy to

1 research a subject that's sort on the leading edge of
2 information. It's always a difficult study. Most of the
3 time your best information comes from contacts that you
4 meet to get information and, in fact, is not yet
5 published.

6 Q. Now, we've heard references to elite
7 coaching and are you of the view that in difference -- you
8 approach elite coaching differently, for example, than
9 coaching at lower levels?

10 A. Yes, very much so. It's necessary that
11 programs be designed for the individual athlete taking
12 into consideration his own strengths and weaknesses and
13 his own individual recovery patterns and so on. You're
14 just not learning a basic skill anymore. It's now much
15 more complicated than that.

16 Q. And the variations between athletes
17 would be of some relevance to you?

18 A. Yes, very much so.

19 Q. How long would it take to, or can you
20 express an opinion, as to how long it would take to
21 develop an elite sprinter?

22 A. Usually, approximately seven years.

23 Q. Now, with respect to an elite athlete,
24 I think you've already indicated that an elite athlete
25 must be a full-time athlete?

1 A. Yes, that's correct.

2 Q. And you've given us an overview of the
3 training of an elite athlete, the hours of training per
4 day, the physiotherapy, electric muscle stimulation?

5 A. Yes.

6 Q. And many other aspects with respect to
7 the coaching of an elite athlete?

8 A. That's correct.

9 MR. McMURTRY: Now, Mr. Commissioner, I
10 think it would be helpful to you, sir, at least modestly
11 helpful in order to put this in context and following up
12 on Mr. Armstrong's very important question in relation to
13 coaching being something a great deal more than the use of
14 anabolic steroids or any other drug performance
15 enhancement substances.

16 I'd like to introduce as an exhibit a
17 manuscript that has been written, prepared by Mr. Francis
18 with respect to coaching.

19
20 MR. McMURTRY:

21 Q. A manuscript that you actually worked
22 on with another gentleman, Mr. Marshall, was it?

23 A. No, Paul Patterson.

24 Q. I mean, Patterson, sorry. And I'd like
25 to, if I might --

1 THE COMMISSIONER: Have this marked? What
2 number?

3 MR. McMURTRY: Have we some copies of it.

4 THE COMMISSIONER: I have mine.

5 MR. McMURTRY: Mr. Armstrong.

6 THE COMMISSIONER: What number, Mr.
7 Registrar?

8 THE REGISTRAR: 119, Mr. McMurtry.

9
10 ---EXHIBIT No. 119: Book - "Talent Identification" by C.
11 Francis
12

13 MR. McMURTRY: Thank you, sir. Exhibit 119
14 and perhaps if I might just put this exhibit in front of
15 you, Mr. Francis, so -- and I won't go into this at great
16 length, Mr. Commissioner, but I think it is important in
17 order to put this in the proper context to do at least a
18 brief review of this manuscript which is some 227 pages
19 long, to indicate the very complex science that is
20 relevant to coaching an elite athlete.

21 THE COMMISSIONER: Thank you.

22
23 MR. McMURTRY:

24 2. And if you might just put -- you have
25 it in front of you, Mr. Francis. If you might just turn

1 to the beginning of your manuscript and I'll just read
2 some of the headings and you might follow me. I don't
3 think it will be necessary to comment at length on any of
4 them.

5 But, the first chapter is entitled "Talent
6 Identification", is that correct?

7 A. Yes.

8 Q. And then you talk about athlete
9 development and talent identification. You give your
10 views on core training for young athletes, page 5?

11 A. Yes.

12 Q. You have to -- just so you can record
13 your answer yes?

14 A. Yes.

15 Q. And then how do you handle the
16 development of agility or body awareness in young
17 sprinters

18 A. Yes.

19 Q. What is the place of stress or pressure
20 in these initial years?

21 A. Yes.

22 Q. And you make the comment, teach
23 increasing levels of skill according to individual needs
24 when the athletes' body and performance or training
25 elements indicate a readiness to handle them?

1 A. Yes, that's correct.

2 Q. How do you know when it is time to
3 expose the athlete to a higher level of difficulty?

4 A. Yes.

5 Q. And what access do developing athletes
6 have to massage?

7 A. Yes.

8 Q. And just as an example of some of the
9 detail that you go into on talent identification, that
10 first chapter, you talk about the basic principles that
11 you apply in different amounts and in different ways, the
12 monitoring and the testing?

13 A. Yes.

14 Q. And when you're talking about, on page
15 8, to maintain an improved specific skill, you talk about
16 preventing loss and maintain current volume of fast twitch
17 fiber and promote differentiation of transitional muscle
18 fiber to fast twitch rather than slow twitch fiber.

19 I don't want to go into a lengthy
20 explanation of this, but just briefly, what are you
21 talking about?

22 A. Well, basically, the body adapts to the
23 demands that are placed on it. The difficulty with a lot
24 of people, with youth training, is that they simply put
25 the young athletes into sort of a generalized endurance

1 based training, thinking that somehow they can build on
2 that in the future once they are very fit and so on.

3 But, in actual fact, they're actually
4 adapting them to something that will not be helpful at a
5 later date.

6 The body adapts to the demands placed on it
7 and so, at the younger ages, they should work on their
8 speed qualities and so forth with plenty of recovery and
9 so on, so they adapt to the demands that will later be
10 placed on them in the event of choice.

11 Q. And on page 9, you -- an interesting
12 page on some characteristics of the 12 year development of
13 Ben Johnson and just quoting in part at paragraph 7;

14 "A key by-product of strength work is the
15 maximization of size of tendon attachments
16 and bone dimensions so that later the higher
17 forces involved and faster starts and,
18 quicker runs can be handled safely in
19 addition to heavier and heavier loads during
20 the maximum weight work. Plyometrics, which
21 generate very high, internal loads on
22 tendons, ligaments and bones can eventually
23 also be handled safely with larger tendon
24 attachments and bone dimensions".

25 A. Yes.

1 Q. And that -- as I say, I won't ask you
2 to comment on that but it's part of the approach that you
3 used to your training of elite athletes?

4 A. Just in other words, as work is
5 gradually applied in gradually increasing amounts so that
6 the body is permitted to adjust to the demands.

7 Q. And on page 10, you make the comment;

8 "In certain athletes there will be
9 differences in the way their leg musculature
10 is attached to the skeleton. This results
11 in different lines of pull which may or may
12 not represent different injury potentials"?

13 A. Yes.

14 Q. And then I think on the next page, just
15 again as an interesting illustration as to the degree of
16 science that is involved in your profession, you have
17 Athlete Development - Talent Identification Checklist.

18 And I'm going to paragraph 2, the athlete
19 who can move his or his feet with high frequency is a
20 candidate for sprinting.

21 THE COMMISSIONER: I like the first thing,
22 high level sprinters are very short tempered. That gives
23 me some encouragement.

24 MR. McMURTRY: Yes, I thought you might
25 notice that, Mr. Commissioner. Very explosive or very

1 intense. The athlete who can move his or her feet with
2 high frequency is a candidate for sprinting. Checking the
3 number of times a standing athlete can alternately, or
4 with feet together, hop on the ground gives further
5 indication of the explosiveness of their nervous system.

6 Count the number of ground contacts over 10
7 to 15 second time period and compare with the performance
8 of proven sprinters.

9 Three, enough power related work must be
10 done during the early years, (ages 13 - 17) to maintain
11 genetically determined levels of white fibre; promote the
12 shift of transitional or immediate fiber to white power
13 related fibre.

14 Four, endurance work must be carefully
15 curtailed to light, medium volumes to prevent the
16 conversion of transitional or immediate fibre to red
17 fibre.

18 Five, power-related work for young athletes
19 includes 'flat-ground' (no boxes) plyometrics such as
20 two-legged hopping and skipping in various sequence.

21 Light medicine ball .2 - 6 lbs. work. This
22 can be structured to develop power capabilities in the
23 lower body core and upper body.

24 And in paragraph six you talk about the
25 regenerative overtraining status must be monitored

carefully even in young athletes.

You talk in paragraph 8 about oxygen uptake during treadmill tests.

And on page 11, you talk about mesomorphic sprinter's somatotype and ectomorphic sprinters somatotype.

THE COMMISSIONER: I'm going to ask you what that means, Mr. McMurtry.

MR. McMURTRY: Yes, I was going to ask Mr. Francis.

THE COMMISSIONER: I want your response, Mr. McMurtry.

THE WITNESS: Some are muscular and some are thin, basically.

MR. McMURTRY:

Q. But you talk about the development of a sprinters somatotype in the different areas?

A. Yes.

Q. That's all in Chapter 1.

Chapter 2, sprint technique, you have a section dealing with psychology thought, action, linkage, place of video and technique analysis. Of course, the place of technique.

Page 15, can the frequency of limb movement

1 and stride length be increased.

2 Sprint position technique on page 16 and how
3 do you define the sprint position, at the bottom of page
4 16, the sprint position can be described as meeting the
5 following requirements; head is held high and is the
6 beginning of running tall. The torso is erect and in a
7 position of design posture. The hand of the driving arm
8 comes up to the level of the face, shoulders are relaxed,
9 the hips are high enough above the ground to allow the
10 driving leg to extend fully to the ground, the ankle of
11 the recovery legs clears or travels above the knee of the
12 driving leg, the ankle fully extends at the end of the leg
13 drive.

14 Then you, in the next page, you talk about
15 core breathing patterns versus acceleration.

16 And then in the next couple of pages,
17 several pages, you have a -- you have a time analysis of
18 men's 100 metre sprint which you -- which you measure the
19 reaction time, the number of steps, average frequency of
20 steps.

21 THE COMMISSIONER: What page are you at now?

22 MR. McMURTRY: I'm sorry, Mr. Commissioner,
23 page 18.

24 THE COMMISSIONER: I have it, thank you.
25

1 MR. McMURTRY:

2 Q. Where you measure the reaction time,
3 the number of steps, the average frequency of steps, the
4 average length of steps and the fastest -- and the fastest
5 10 metre section.

6 And then turning to page 21, you talk about
7 shoulders - core relaxation, legs - core technique and
8 again dealing with the core technique as it applies to
9 arms, hands, legs and feet, page 22 and page 23.

10 Page 24, what demands does the sprint
11 actually place on the feet. What is the significance of
12 training on different surfaces such as synthetic, rubber,
13 grass, dirt sand.

14 What role does footwear play in training on
15 page 25.

16 And then you talk on page 26, under
17 technique, Percy Wells Cerutti observed in race horses
18 that at full speed their backs are relatively quiet and
19 move horizontally with very little up and down movement.
20 Is this true also for sprinters relating to the movement
21 of the centre of gravity. You go on to respond to that.

22 Chapter 3 is training principles and there
23 you talk about the central nervous system.

24 And page 29, what was your personal
25 experience as an athlete which helped you understand what

1 central nervous system related work was and how to
2 manipulate it.

3 And how do you -- page 30, how do you
4 differentiate central nervous system fatigue from
5 peripheral muscular fatigue.

6 And it continues with training principles,
7 training aids, volume versus -- volume versus intensity,
8 PNF versus ballistic stretching, and many other elements
9 of training, which goes on for a number of pages.

10 And then Chapter 4, we get to strength
11 training and talk about conversion phase periodization
12 planning.

13 Page 50, what constitutes central nervous
14 system training and weight work.

15 And just as an example of the degree of
16 scientific approach that you use, under strength training,
17 I see headings such as, given that plyometrics are a form
18 of CNS training, how do you manage their use? To what
19 degree do you apply a conversion phase to the strength
20 work?

21 Next heading, given the multiple roles of
22 hamstrings as flexors of the knee and as extensors of the
23 hip, how should they be trained? And the various strength
24 training relating to various muscles, whether they're
25 quadriceps or hamstrings.

1 And you can go on for a few more pages, some
2 further pages in relation to strength training. And
3 strength inventory for developing sprinter, page 57. You
4 develop an athlete inventory against which you monitor and
5 judge an individual athlete's progress.

6 Two, the overall development of musculature
7 is yet incomplete. The evident indentation at the point
8 of hamstring-gluteal junction shows the knee for the
9 hamstring - hip extension via rear leg extensions.
10 Further gluteal development is required.

11 Three, the "calfs" will develop as a result
12 of actual sprint training, bounding, hopping and jumping
13 movements.

14 Four, the hamstring development depicted
15 here is usually the result of an over-emphasis on knee
16 flexion-related strength work.

17 Five, core development focuses on
18 development of the central and lateral core. Abdominal
19 and upper back work develops the ability of the core to
20 stabilize the body so that the increased leg and gluteal
21 strength can be successfully translated into performance
22 gains.

23 "Five", the EMS work is begun directed at
24 the area of feet, quadriceps, hamstrings, lower back,
25 gluteals and abdominals. The intended impact of EMS work

1 is on white and transitional fibre and to a lesser extent
2 on red fibre power characteristics.

3 Then you go through the strength inventory
4 for an elite sprinter and in some detail.

5 And you elaborate on page 60 on the core
6 strength work which you do in conjunction with tempo
7 training and you describe your approach to upper core
8 strength and at page 61, how do you balance volume versus
9 intensity in strength training and setting strength goals.

10 And, of course, the ultimate goal of sprint
11 strength training at page 63. And then you give page 64,
12 65 and 66 the details of athletes strength programs, of
13 the various athletes, and the variations that you use.

14 So, I gather from reading this, Mr. Francis,
15 that you approached each athlete differently with respect
16 to these programs?

17 A. Yes.

18 Q. And you have to look at each athlete,
19 of course, as an individual with individual needs and
20 requirements in their particular training?

21 A. Yes.

22 Q. In other words, what obviously what
23 might work for one elite athlete, elite sprinter, may not
24 necessarily work for another elite sprinter?

25 A. That's correct.

1 Q. And so this is the high degree of
2 personal involvement that you must take in the training
3 program of all of your athletes?

4 A. That's correct.

5 Q. And I think this involves, of course,
6 many aspects of their day-to-day living?

7 A. Yes, that's correct because it
8 definitely has have an impact on how they're going to be
9 able to do the training on a given day. They don't only
10 exist when they're at the track.

11 Q. And Chapter 5 is devoted to recovery
12 regeneration. And there are a number of pages that are
13 developed to recovery regeneration and the various
14 techniques, whether they be -- and the various massages,
15 chiropractic massage therapy, et cetera.

16 And you go -- you deal, as I say, in some
17 detail with recovery regeneration right to page 96.

18 Chapter 6 is planning and periodization and
19 we've already made reference to double and tripple
20 periodization and the various preparation phases, tempo
21 running, conversion phase, strength to power, strength --
22 speed endurance and specifically with respect to some of
23 your athletes.

24 And on page 105, you deal with the -- again,
25 you've given us some brief evidence as to the various

1 phases, the tempo work, low intensity interval runs, the
2 general fitness work, core strength endurance, high
3 intensity work interval runs, 30 to 50 metres. Short
4 speed and acceleration work, strength and power work, and
5 electronic muscle stimulation and there are copious
6 diagrams dealing with this planning and periodization.

7 At page 110, for example, how do you manage
8 central nervous system related or power related training.

9 And planning periodization takes us to page
10 120. As I say, I've just given you a very brief
11 overview ---

12 THE COMMISSIONER: Thank you.

13 MR. McMURTRY: ---just to capture some of
14 the flavor of your approach.

15 THE COMMISSIONER: I'm looking through here
16 to see if anything would help my serve.

17 THE WITNESS: Well, I guess if the guy hits
18 a winner, you'll be able to get run away and get it in a
19 hurry but I don't know if it will help the arms.

20 MR. McMURTRY: Chapter, 7 testing and
21 monitoring. A quote from you testing and monitoring is
22 done with the eyes, hands and ears of the coach.

23 Testing is not something which occurs
24 according to a planned schedule. It is a constant ongoing
25 process that occurs with every waking hour, and that's a

1 quote from you.

2 And then you give us your philosophy of
3 testing and monitoring.

4 THE COMMISSIONER: I notice that you used
5 DMSA. Is that a normal part of massage?

6 THE WITNESS: Well, it's sometime used in
7 combination with other substances. It's a penetrating
8 agent.

9 THE COMMISSIONER: Yes, I know that.

10 THE WITNESS: It's available in Europe.

11 THE COMMISSIONER: Is it allowed to be used
12 in Canada on humans?

13 THE WITNESS: I don't know but certainly
14 it's available in Europe very commonly along with heparin
15 preparations and other substances available across -- as
16 an over-the-counter substance. There is about a 10 per
17 cent ---

18 THE COMMISSIONER: In Europe.

19 THE WITNESS: Yes. Most of the products,
20 in fact, that are used in injury treatment and so on are,
21 in fact, not available in Canada because there is no
22 interest in them.

23 THE COMMISSIONER: I see.

24 THE WITNESS: Most of the products are, in
25 fact, from Europe.

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THE COMMISSIONER: Thank you.

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Q. And there are a number of pages devoted to testing and monitoring and where do technicians or scientists fit into your approach to testing. And you say, "They use computers and instruments and they look at numbers, and I'm looking at the athlete and using common sense to interpret what I see." And this is on Page 125, and, for example, you were asked this question, "When we were watching one of your female athletes on the track the other day, you made some comment about her left side.

"Yes, but that was not necessarily related to strength or weakness. That was related to a tightness on her left side which was not normal for her. So, you see, you have to judge if what you are seeing on a particular day for a particular athlete is different from what you normally see in that athlete."

And this again stresses the individual approach which you must take to each of your athletes.

A. Yes. There's a famous expression, in fact, one of the world-leading sprinters has always been curved over to the left, and a lot of people would see this, chiropractors and others, and the first thing that would cross their mind is, "Well, let's straighten out her back." On the other hand, if she is compensated to perform in that way, it would be a grave mistake. I think Gerard Mach had the best description, "The operation was a

success, but unfortunately the patient died." I think that sort of sums up some of the difficulties you get into with people who are not aware of the athletes on an ongoing basis when they try to become involved.

5

Q. And then, towards the end of that chapter, you give us a sample, microcycle, February the 4th to the 14th, 1987, day by day, the various testing, training techniques that are being applied. And again we come into a large number of charts, indicating train days, travel days off, competition, diet, regeneration, chemicals, E.M.S., work, weight workout, core/medicine ball, massage, training focus, injury, wellness focus, starting position, training times, competition times, as some of the basic approaches that you use.

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A. That is correct.

20

Q. And then Chapter 8 is sports psychology, motivation, training diaries, energy management, relaxation, energizing, recovery, confidence, athlete self-image, just to read from some of the headings. Communication, environmental control. Chapter 9, which starts at Page 173, is electronic muscle stimulation, and you devote some pages to that. Page 192 and dozens and dozens of different aspects of that, of electronic muscle stimulation. And then Chapter 10 is devoted to politics and coaching. Chapter 11 to financial aspects. And this

25

represents a very brief overview of this material that I've
have prepared.

Anywhere does the use of, or is there any
reference, I should say, to anabolic steroids in that
5 manuscript, Mr. Francis?

A. Well, naturally, when I wrote this I
wasn't planning on having an inquiry so, no, there is no
reference to anabolics.

Q. So I've presented this, Mr.
10 Commissioner, in the hopes that it might place what we've
been hearing in context, again, following up on Mr.
Armstrong's question that there is more to coaching than
anabolic steroids.

A. That's correct.

Q. And this exhibit would indicate the high
15 degree of science which is employed. And I think you told
us, I think during the course of the inquiry, you told us
as far as you were concerned, the role of performance
enhancement drugs, that you would put it about 1 percent
20 of performance?

A. Yes, about that.

Q. That the athletes, that your athletes
that you knew that went on steroid programs were monitored
medically?

25 A. Yes.

Q. And, of course, there were some that didn't. I mean, many of your athletes were not on such programs, anabolic steroid programs?

5 A. Yes, there were many athletes who were not on anabolics, yes.

Q. Now, the final question I really have to ask you this time, Mr. Francis, is with respect, are questions with respect to Ben Johnson as an athlete. And maybe I could just ask you to express your opinion as to
10 with respect to Ben Johnson as an athlete in the context of the description that I read in the press, a rather unflattering description which I certainly do not adopt, where Mr. Johnson was described as a "chemically-engineered phenomenon".

15 A. I find that to be very disturbing, because an athlete is developed over many years with a lot of hard work. Anabolics played a role, as they did with his competitors. I believe he was on a level playing field when he was competing in these international meets,
20 and he was winning. If you took all of the athletes in question, locked them away in a desert island for a year and they had no access to any performance-enhancing substances, I believe he would win by the same margin on every occasion. He is the best sprinter of all time. I'm
25 convinced of that.

Q. And you say convinced with or without

A. Either way

Q. And anything else you'd like to say
about Mr. Johnson as a world-class athlete? I suppose
5 there's not much you can add to what you've already said
about him being the best sprinter of all times?

A. Yes, there's absolutely no question. I
believe those in the know who are out there in the
coaching world who really know the situation as it exists
10 today recognize that. I believe, unfortunately, the
public has not been aware at all of the situation, really
because of the conspiracy of silence that has gone on for
so long, that when the lid blows off the situation as it
did in Korea, everyone is totally surprised and totally
15 shocked, even though the situation is clear to those who
understand and know international sport at the closest
levels.

MR. MCMURTRY: Those are all the questions I
have. Thank you, Mr. Commissioner.

20 THE COMMISSIONER: Thank you. Mr. Porter,
do you have any questions?

MR. PORTER: May I ask the questions from
there?

25 THE COMMISSIONER: Sure, come on up.
Your examination must be limited to the

matters in which you have a special interest in for your client.

MR. PORTER: Thank you, Mr. Commissioner.
It will be.

8

---EXAMINATION BY MR. PORTER

Q. Mr. Francis, you said that medical
doctors have said that anabolic steroids have a
therapeutic use for athletic injuries?

10

A. Yes, that's my understanding.

Q. Are you not confusing this with
corticosteroids?

A. No, I'm not.

15

Q. You, of course, recognize that
corticosteroids are different than anabolic steroids?

A. Yes, I do.

20

Q. And in respect to the Japanese doctor's
diagnosis, a partial tear of tendonosis muscle in the
hamstring, did you have medical advice that an anabolic
steroid would have a therapeutic use for that injury?

A. Yes, we did.

Q. And that was from whom?

A. From a Japanese doctor.

25

Q. And did he specify what anabolic

steroid?

A. No, he did not.

Q. He just said it generally?

A. He, perhaps, would have gone further
 5 with the conversation, but we were not sure of the extent
 of the injury or if, in fact, Ben would be out for a
 considerable period of time. If he would heal quickly,
 then, of course, we did not want to reinstitute any sort
 of anabolic steroid because he would not be able to
 10 compete.

Q. So that was not a discussion with this
 doctor of the precise anabolic steroid or the dosage or
 the time?

A. No, but it was clear that he was talking
 15 about anabolic steroids, not corticosteroids.

Q. How was that clear?

A. Because he said anabolic steroids.

Q. And do you have any other source for
 that statement other than the Japanese doctor?

A. Other doctors I have talked to in Canada
 20 and abroad.

THE COMMISSIONER: Well, Dr. Pike has
 already given evidence before this commission that there's
 no place for anabolic steroids in sports medicine. You
 25 don't agree with that?

A. Well, my question would be, I guess, that I would wonder why, in fact, they were approved for use if, in fact, they are not for purposes for which tissue-building qualities are required.

5 THE COMMISSIONER: You may pursue it. I understand what your information is.

A. But that was my information as I understood it to be. And I have also had discussions in Europe, where it is recommended for injuries and so on.
10 And many preparations commercially available in Europe include anabolic steroids with anti-inflammatories in injectable form.

MR. PORTER:

15 Q. Well, that may be a different question because it does have, that formula may have some substance of cortisone in it?

A. No.

20 Q. Then are there doctors in Canada that have taken the position with you that anabolic steroids have a therapeutic use for athletic injuries?

A. In Canada, no. I would say no.

25 Q. Now, I take it from listening to your evidence, you are aware of the fundamental dual nature of anabolic steroids, are you? That is that they both have

androgenic and anabolic functions?

A. Yes.

Q. And you'd agree that androgenic, meaning or in relation to male sex hormones, correct?

3

A. Yes.

Q. And that especially in relation to a female taking anabolic steroids, did you discover from Astaphan, Dr. Astaphan or others, that there might be a side effect of facial hair?

10

A. We have seen no such side effects in the dosages and in the small periods of time over which it was administered during my career.

Q. That's on your athletes?

A. Yes.

15

Q. Have you seen it on other athletes that you assume might have been taking anabolic steroids?

A. Around the world?

Q. Yes.

A. Yes.

20

Q. I take it that you've indicated that you --

A. I would qualify that by saying not very often. Because of our sport, perhaps.

Q. Because of what?

25

A. Perhaps in other sports, but in track

and field, I haven't seen it on very many occasions.

Q. So you've not observed facial hair or acne?

A. On occasion I've seen acne.

5 Q. Did Ben Johnson have acne?

A. It's difficult to say with a black because of the shaving problems. As you may be aware, there's many of these powders. Blacks have a terrible problem with ingrown hair, and they get a great deal of breakout if they have to shave. And on almost any occasion that Ben ever shaved, he had that problem. And usually when he travelled he had a special powder preparation that he would place on his face. It was like a depilatory. So it's very difficult in the case of blacks to determine these types of breakouts from problems involved with removing facial hair. And, of course, I've also seen it on black athletes who I knew were not taking steroids.

10

15

Q. So you don't know whether it's acne or not?

20

A. No, my feeling would be it's related to shaving because of the flare-ups that I observed when he did shave.

Q. Now, were you aware when you, either through Dr. Astaphan or reading some of the material that

25

you referred to generally to Mr. Armstrong that --

MR. SOOKRAM: Mr. Commissioner, excuse me.

THE COMMISSIONER: Mr. Sookram, I'm sorry.

Yes, Mr. Sookram?

5 MR. SOOKRAM: I have been instructed that the line of cross-examination will follow only if something was said affecting the client of the counsel concerned.

10 THE COMMISSIONER: I think that he should not -- I don't want you to go into matters other than medical matters, Mr. Porter. Only matters relating to the College.

MR. PORTER: Yes, but I --

15 THE COMMISSIONER: I think he's entitled to ask the witness what Dr. Astaphan gave him, what advice he gave him.

20 MR. SOOKRAM: Your Honor, there were several doctors mentioned before not by name, and it looks to me and is probably appearing to all these people here this is a Dr. Astaphan witch hunt.

THE COMMISSIONER: Will you submit your argument to me, please?

25 MR. SOOKRAM: Yes, sir, I will. I do not see any reason for Mr. Porter to ask about Dr. Astaphan when the witness himself testified all along that several

doctors were involved before Dr. Astaphan appeared on the scene. It appears it's a witch hunt.

THE COMMISSIONER: That's not fair. Please don't use those words, Mr. Sookram. That's not becoming --

MR. SOOKRAM: I'm sorry. It isn't meant to reflect on your part.

THE COMMISSIONER: I understand. Nobody is doing that, so just don't use that language. It doesn't advance your position.

MR. SOOKRAM: But it does distort the picture.

THE COMMISSIONER: We have heard that Dr. Astaphan did give the witness advice. I don't think pursuing it very much with this witness is that helpful, other than what advice he got, Mr. Porter. He's obviously not a medical expert. He's going to take advice from people who tell him these things.

MR. PORTER: Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you, Mr. Sookram.

MR. PORTER:

Q. Did Dr. Astaphan indicate to you that in respect to females, there may --

THE COMMISSIONER: Whether it's Dr. Astaphan

or anybody else, did any medical person give him this type of advice? It doesn't matter from our point of view who it was, Mr. Porter. What the witness is testifying, perhaps to explain his conduct or justify it in part, is that he didn't think it was harmful. I don't think it gets us very far. He could be wrong.

MR. PORTER: I would like to find out if from any medical source he was warned that there may be certain side effects.

THE COMMISSIONER: All right, that's a fair question.

MR. PORTER: -- taking anabolic steroids.

A. In any advice that I ever had from anybody concerned, the discussion about anabolic steroids was also dose and duration-related. In the doses and durations involved, I was not advised at any time to expect any side effects.

THE COMMISSIONER: Durations which include from '79 to '88. That's a long period of time.

A. Over short periods of time infers --

THE COMMISSIONER: Three weeks on, three weeks off, three weeks on, a period of break, three weeks on, three weeks off, three weeks on. One time six weeks in a row.

A. Yes.

THE COMMISSIONER: So we have--

A. Yes, that's correct.

MR. PORTER:

5 Q. Was that precise formula put to certain
doctors--

A. Yes.

Q. -- in Canada?

A. Yes.

10 Q. The exact, using Dr. Astaphan's formula
of Furazabol?

A. No. Of course, whatever Dr. Astaphan
suggested we would put to him. He is the doctor in
question. I'm not going to go to another doctor and ask
15 him what the opinion of a doctor is when I'm already
dealing with a doctor.

Q. So with Dr. Astaphan you weren't
double-checking with other doctors?

A. On the basis of information I already
20 had, I felt that the side effects and so on were dose and
duration-related. And I had discussions with Dr. Clement,
who could in no way be construed as being in favour of the
use of anabolic steroids, and his opinion also was that
in small doses that they were not considered to be
25 dangerous.

THE COMMISSIONER: Were the doctors told
that some of these athletes were administering drugs
themselves, that they had bottles in their own possession,
or were they assuming that they're going to a doctor every
5 time for treatment?

A. Well, that sort of specific conversation
never came up.

MR. PORTER:

10 Q. So to be fair to Dr. Clement, you never
put Dr. Astaphan and your formula to him?

A. No, of course not, as he was a medical
director and, indeed, was not in favour.

15 Q. Now, in respect to Cheryl Tribedeau, you
indicated that, and my note may be faulty here, but one of
the female athletes in the sequence in 1986, I think you
indicated, might have started with a quarter cc of
Furazabol for two weeks, twice a week for three weeks and
then descended to an eighth of a cc. Have I got it right?

20 A. Well, I'm not sure. My understanding
was that it depended on what the individual was told. My
belief was it was either a quarter or an eighth straight
through. I'm not--

Q. And you got this from Dr. Astaphan?

25 A. Yes, in terms of any dealings I had with

injections with females it was an eighth when I did so.

Q. Well, was it a very tiny needle or syringe? It's pretty hard to show an eighth of a cc in a syringe, isn't it?

5 A. You can see it.

Q. And how big was the syringe?

A. It was 3-cc's.

Q. Which is how big? And does it show --

A. Gradations, yes.

10 Q. You mean an eighth or .12 or .10 or --
An eighth is an odd thing --

A. As close as I could come to an eighth of a cc.

Q. And so you would draw it yourself?

15 A. Yes.

Q. And Astaphan gave it to you?

A. Yes.

Q. And you draw it yourself--

20 A. On those occasions when I gave it to the athletes myself.

Q. Yes, you've been very clear as to when. I won't go back over that. You've said the occasions. But did he, did Dr. Astaphan show you how to inject it?

25 A. Yes, I saw him inject the athletes on numerous occasions.

Q. And did Dr. Astaphan inject an eighth of a cc, as you put it, into a female athlete?

A. That was his discussion of what he did with me. Of course, I didn't see him necessarily prepare the needles.

Q. I may be unintentionally being unfair, but I gather an eighth of a cc is a very small amount?

A. Yes.

Q. And it must be quite a tiny syringe to reflect that?

A. No, not necessarily. But it's a very small amount going into the syringe, yes.

Q. And so you would see that it was exactly an eighth?

A. Yes. There are lines on the syringe.

Q. In your readings, would you have read something like Mauro di Pasquale's Drug Use and Detection in Amateur Sports?

A. I've read it subsequent to Korea, yes.

Q. Oh, but you --

THE COMMISSIONER: But you hadn't read it earlier?

A. No.

THE COMMISSIONER: I see.

MR. PORTER:

Q. So if there is some discussion in there
due to possible side effects, you weren't aware of those
5 at the time?

A. I had not seen that book, no.

Q. So do I take it that your information in
terms of what you're doing for the program, what you call
the protocol, in 1987 and 1988, that must come entirely
10 from Dr. Astaphan?

A. Yes.

Q. When you discussed in answer to Mr.
McMurtry's question that you read and looked at, let me
paraphrase it, considerable amount of stuff, are you
15 talking about scientific journals concerning anabolic
steroids?

A. Usually, no. The only information that
is out there is in, basically, publications which are,
obviously, appealing to a particular constituency.
20 Medical journals in general are not publishing this type
of material or at least it's not available --

Q. Were you ever worried --

A. -- to me.

Q. -- that the quantity prescribed by Dr.
25 Astaphan of 1-cc of Furazabol might be dangerous?

Astaphan of 1-cc of Furazabol might be dangerous?

A. To the males, it was never suggested.

Q. To the females? The one-eighth or one-quarter of a cc might be dangerous to the females?

5

A. No.

Q. Was that ever discussed with Astaphan? How did you reach the amount of 1-cc with Dr. Astaphan?

A. Now, who are you talking about, male or female?

10

Q. If I say 1-cc, I guess it's male.

A. Yes.

Q. How did you reach that amount with Dr. Astaphan?

A. That was his advice.

15

Q. Did it have any input from you? Did you ask him how he was, how he had come to that?

A. No.

Q. That 1-cc? And did you ask him about the length of time or the two or three times a week? Was there any discussion about that?

20

A. Yes, in terms of how it would be designed into the program at the beginning of the training cycle and so forth, the duration. He felt that the substance was mild and that it was the best for the purposes.

25

Q. Well, in --

A. You can understand, I'm not a doctor and I was not, you know, going to have that sort of a discussion with a doctor other than to be assured that we
5 were following a reasonable course of action.

Q. Well, then in respect to Angella Issajenko or Sharpe or Tribedeau or Tylor or Mowatt, I think to be fair, you've said that those people in '86 were on this protocol or some variation of it; am I
10 correct?

A. Yes. I don't have direct information on all of them, but, yes, that's my understanding that that's what they were doing.

Q. But some of those did you direct to go to see Dr. Astaphan?
15

A. Yes, when they asked me.

Q. And what would you say, "Go and see Dr. Astaphan"?

A. I should clarify that some people were discussing anabolic steroids. Other people went to him
20 that were not taking anabolic steroids, also. But if someone were interested in anabolic steroids, they could discuss it with the doctor.

Q. Well, I seem to remember you saying that you did, in respect to some athletes, suggest to them that
25

they get tested, and I think you made reference to the
phrase blood testing; is that correct?

A. Yes. It was my understanding that the
athletes going to Dr. Astaphan were receiving blood tests
on a routine basis.

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Q. And did Dr. Astaphan say that to you?

A. Yes, he did.

Q. And did you ever check with the athletes to see that they were being monitored after
5 taking the protocol?

A. I was told on numerous occasions that blood had been taken, yes.

Q. Can you really be categorical in asserting that the athletes did not take in excess of the
10 protocol referred to for the use of Furazabol?

A. Well, of course, now you get into the basic difficulties that we come into from the beginning.

My understanding is that they are to follow the protocol. My suggestion is this that they follow the
15 protocol. Now, if in fact they did or did not, I don't know, but, however, I can assume that if that is what Dr. Astaphan has suggested, and to my knowledge either Dr. Astaphan or myself are the only sources of the material, I would hope that they wouldn't have any other materials of
20 a different type or substance that they could obtain on their own. And I would expect that in training I would see additional stiffness and so on if they were exceeding the amounts in question. But that's a difficult question.

That also gets right back to the basic
25 question: What if I had said to the athletes from the

beginning, don't take steroids, could I have guaranteed that in fact they would not go and obtain them anyway.

Q. But as I understand your evidence, it was the Stanozolol which created the stiffness, that nobody ever suggested that the Furazabol created stiffness?

A. In the amounts given, any anabolic steroid if given in a high enough amount would cause fluid retention and result in stiffness.

Q. But you are not a sufficient expert to know at what level that would commence in respect to Furazabol?

A. No, I would say that's true.

Q. Did you ever discuss with Dr. Astaphan his medical charts concerning any of his patients who were your runners? For instance, did he indicate or not that the medical charts would reveal anabolic steroids being given?

A. No, I don't know what he had in his charts.

Q. Was there ever any discussion, did you ever see any of the charts?

A. No, but I wouldn't be permitted to see patient charts.

Q. Well, you were a patient of his, were

you?

A. Yes.

Q. And during that time you were taking anabolic steroids?

5

A. Yes, I was.

Q. And do you know whether in the chart he would enter that you had -- that he had prescribed to you anabolic steroids?

10

A. I don't know. I would assume he wouldn't, but I really don't know.

Q. You would assume what?

A. That he would not, but I don't know. It depends on whether he had any concerns about it.

15

Q. The mention of Winstrol-V or Winstrol-V used by throwing athletes, was your phrase, did you -- I think, have I put it fairly? You said that you had been advised that some athletes, throwing athletes, had taken Winstrol --

20

THE COMMISSIONER: V it is.

BY MR. PORTER:

Q. V?

A. Yes.

25

Q. And there was something in that answer that made reference I think, I stand to be corrected, that

there was a discussion with Dr. Astaphan about that. Was there, about Winstrol V?

A. I don't recall that.

THE COMMISSIONER: I don't recall him
5 saying that Mr. Porter. I may be wrong.

THE WITNESS: I knew of its use among certain throwing athletes.

BY MR. PORTER:

10 Q. That I have taken the note, and I may be incorrect in the emphasis I have put on it, Mr. Commissioner, Astaphan had Winstrol-V in his possession. Now, if I don't have that correctly, I don't have it correctly, but that's what my note says.

15 THE COMMISSIONER: Well, we can check it. I don't recall that, but it's possible.

MR. PORTER: Are you aware --

THE COMMISSIONER: He said he never had discussion -- he said he never had discussions as I
20 understand it. You put it to him what -- Dr. Astaphan, about Winstrol-V, is that what you said.

MR. PORTER: Because I don't wish to miss -- so, I am not cross-examining, I am only allowed to elicit evidence.

25 So let's go back. I will just ask you the

question. Did Astaphan --

THE COMMISSIONER: Dr. Astaphan.

BY MR. PORTER:

5 Q. -- Dr. Astaphan have Winstrol-W in his possession?

A. I have no knowledge of that. That's appeared in newspapers and so on afterwards. I am not clear whether he did or not.

10 Q. Did he ever discuss it with you?

A. No.

Q. When you said that each runner was given a protocol, or a written protocol was your phrase, did --

15 THE COMMISSIONER: I don't think he said each runner?

THE WITNESS: No, no.

THE COMMISSIONER: He never said each runner. He referred to two, I think?

20 THE WITNESS: In the end--

THE COMMISSIONER: And you are talking about the very end?

THE WITNESS: At the very end before Korea, prior to that, I know of no written protocol.

25 THE COMMISSIONER: He was speaking of the

time when they were in Toronto before they go to
Vancouver. Isn't that right? Have I got the time, Mr.
Francis?

THE WITNESS: Yes, I think that's correct.
5 After returning from --

BY MR. PORTER:

Q. Yes.

A. -- from Europe.

10 THE COMMISSIONER: Returning from Europe.

MR. PORTER: Yes.

THE COMMISSIONER: Before -- well, they
were here Toronto.

15 BY MR. PORTER:

Q. But you saw Ms. Issajenko's page?

A. Yes.

Q. In that protocol, and that's the
protocol that she received from Dr. Astaphan; is that
20 correct?

A. Yes.

Q. It isn't your protocol, it's Dr.
Astaphan's protocol?

A. That's correct.

25 Q. Did that mention anabolic steroids on

it?

A. Yes.

Q. And then the list that Mr. Johnson,
after the race, brought concerning what was in his
possession, did not mention anabolic steroids.

THE COMMISSIONER: I am sorry, you are
talking about a different list entirely, Mr. Porter.

THE WITNESS: Well, you are confusing two
lists.

MR. PORTER: I know, that's what I am
finding out.

THE COMMISSIONER: You are talking about
the list that they give at Seoul for the doping control.
That was at Seoul, the list that -- you were always asked
when you are asked to give a urine sample, you are asked
to fill out the medications you are on. And that's not
the list that Mr. Francis is talking about.

BY MR. PORTER:

Q. All right. So the only written
protocol you saw was the one of Ms. Issajenko's?

A. That's correct.

Q. Which identified anabolic steroids?

A. That's correct.

Q. And that was prepared by Dr. Astaphan?

A. Yes.

Q. What did Dr. Astaphan say that the Winstrol or Stanazolol was to be used for?

A. Originally --

5 Q. You said something like a stacking agent?

A. That's right.

Q. And would you be kind enough to explain it to me?

10 A. Meaning that it was helpful in combination at the beginning of the cycle with the Estragol to build up a blood level of the anabolics. I am not exactly clear why he felt that was helpful, but his feeling was that he wanted a higher amount of steroid at
15 the beginning of the protocol and a lower amount at the end.

Q. So, as you have indicated earlier, you didn't check that with anybody else?

A. No.

20 Q. That was between you and Dr. Astaphan?

A. That's correct.

Q. By the time of the race, were you --
had you and Dr. Astaphan really persuaded yourself that
the rules only prohibited anabolic steroids being recorded
25 in the runner's system at the time of testing?

THE COMMISSIONER: How is that within your field of questioning?

MR. PORTER: Well --

THE COMMISSIONER: That's not to do with
5 your client.

MR. PORTER: If --

THE COMMISSIONER: It's not a medical matter.

MR. PORTER: If I can just answer. It
10 would be perhaps an answer or a question that a governing body might ask as to whether a doctor was assisting athletes to cheat.

THE COMMISSIONER: Mr. Francis knew the rules. The rules -- he answered that this morning. The
15 prohibition is to take it to enhance performance before the meet. Nothing to do with having it in your system at the time of the meet, except if it is as evidence you took it before --

MR. PORTER: Well, I guess --

THE COMMISSIONER: Everybody knows the
20 rules.

MR. PORTER: My point is, Mr. Commissioner, his statement on October the 3rd, 1988, doesn't appear to say that.

THE COMMISSIONER: Well, he made that very
25

clear. There is no doubt about it.

MR. PORTER: Those are my questions.

THE COMMISSIONER: Thank you, Mr. Barber.
Only matters affecting the Sports Medicine Council.

5 MR. BARBER: I understand that, Mr.
Commissioner.

THE COMMISSIONER: Thank you, Mr. Porter.

--- EXAMINATION BY MR. BARBER:

10 Q. Mr. Francis, you have given extensive
evidence about the use of Estragol which you identified as
Furazabol by the various athletes, correct?

A. That's correct.

15 Q. But do I understand, sir, that the
basis for your statement that that is what they were using
is that that's what you had been told by Dr. Astaphan?

A. That's correct.

Q. Your own knowledge really is that it is
a milky white liquid?

20 A. That's right.

Q. And I take it no efforts were made, no
steps were taken to have any analysis done of the
substance to confirm what it was?

25 A. I would have no access to any such
analysis.

Q. You talked about at the time that you first went to Dr. Astaphan, you referred to going to a number of doctors seeking commonality of opinion; was that your phrase?

5 A. Yes, that's correct.

Q. But I take it that from approximately 1984 on, Dr. Astaphan became the sole source of information for you in this regard?

A. In this regard, yes.

10 Q. You didn't seek any assistance from any of the established medical institutional groups in the country?

A. Well, of course, it would be rather difficult for me to go out and find further information on such a sensitive topic at a time when obviously we are
15 clearly breaking the rules.

Q. Well --

A. Nor is there a lot of -- are there a lot of people available to ask any questions of.

20 Q. Canada didn't have a policy opposed to the use of doping substances in sport until 1983, correct?

A. Well, I don't think it's fair to say that Canada was in favour of it before that. I think it's simply that a stated policy was brought forward.

25 Q. In 1983?

A. I believe so.

Q. Your athletes had been using anabolic steroids since 1979, correct?

A. One of them.

5

THE COMMISSIONER: Not all of them.

BY MR. BARBER:

Q. One of them. For reasons which you have articulated, but I am curious why you didn't speak
10 out against Canada adopting a policy in 1983?

A. Well, that be rather self defeating would it not, at that particular occasion.

Q. I don't know. You firmly held the opinion that the substances were being used
15 internationally?

A. Well, I would suggest to you that in fact there were meetings held in the fall of 1983 at the Coaches Association of Canada annual meeting. And indeed the issue of anabolic steroids was raised by one of the
20 coaches in attendance, a Mr. Mike Mercer. He suggested that anabolics are prevalent, that they are used extensively in the world, and what position is Canada going to take vis-a-vis selections to the '84 Olympic Games on the basis of inflated standards and so on. Mr.
25 Richard Campion (phon) stood up in the meeting and said

that's not true, the Eastern Bloc people are simply winning on the basis of better training programs. And that was the end of the discussion. Mr. Mercer left shaking his head. I wouldn't feel that I would get any further than Mr. Mercer did.

Q. You didn't speak to the issue?

A. No, I did not.

Q. You didn't share the weight of your conclusion to try and support Mr. Mercer?

A. That would be rather unadvisable, don't you think.

THE COMMISSIONER: Who is Mr. Mercer?

THE WITNESS: He is a coach of many of the throwing athletes in Canada at the time.

THE COMMISSIONER: I think you should confine your concern to the Sports Medical Counsel, Mr. Baraber.

BY MR. BARBER:

Q. Yes. May I turn, Mr. Francis, to the issue of the norethindrone and the birth control pill. Am I correct that Ms. MacDonald tested positive in 1981?

A. That's correct.

Q. And again this is before a policy has been formulated in Canada, correct?

A. Yes.

Q. That she denied using steroids?

A. Yes.

Q. And Dr. Clement accepted that denial to
5 the extent that he was prepared to conduct an experiment
or tests to try and determine whether there could be a
positive result as a result of the clinical use of this
birth control pill?

A. Yes, that was my understanding, of
10 course, is second hand, but I was advised at the time by
Dr. Clement that in experiments it had been shown in a
experimental setting that this norethindrone could
breakdown to 19-nortestosterone, but I really, you know,
don't have much detail in that area.

15 Q. But when he ran the test, the
experiment with several women athletes, there were no
positives as a result --

A. That's correct.

20 Q. -- of the use of the birth control
pill?

A. That's correct.

Q. And in fact you said that athletes were
left at risk because the IOC has taken this substance off
the banned list, but there has been no evidence of false
25 positives, correct?

A. Well, first of all, the testing in 1981 is not the testing of 1988. As you know, the sensitivity of testing is increased many times. If there were such a breakdown, they might be at risk. I am not in a position
5 to say so, but to say -- to suggest that the testing is the same today as in 1981 is clearly not correct.

Q. I didn't suggest that. I suggested that by leaving it off the list, the danger is false negatives, not false positives, correct?

10 A. I will --

Q. If indeed it could happen that an athlete could show a 19-nortestosterone metabolite in her urine, and she disclosed the use of this birth control pill, that would explain the presence of the metabolite ,
15 would it not?

A. If it were accepted as a source of that metabolite, yes.

Q. Precisely. So what you would get is a false negative, not a false positive?

20 A. Not necessarily.

Q. If there is an explanation for the metabolite, Mr. Francis, they can't label it positive, can they?

A. There would be the possibility of a
25 false negative, but that does not mean it was a false

negative. Perhaps the girl was telling the truth.

Q. All right. But there is not a possibility of a false positive because it's not on the list, correct?

5 A. Excuse me? If it is not on the list, then the athletes are free to take it. If they take it, and they generate a positive, they will not accept that the birth control pill caused it.

10 Q. Who says they won't accept it? Isn't that --

A. Is there a case where it has been accepted?

15 Q. -- isn't that exactly why the IOC took the birth control pill off the list so that it is permitted to be used?

20 A. Okay. They took it off the list. That does not mean that when they are taking it, if the pill broke down into it's constituent product of the 19-nortestosterone, and it were found in the lab that they would accept this as an -- as an explanation. There is no where in there where the IAAF has accepted that in fact, you know, this would be an explanation. Otherwise, of course, this might be an area of considerable contention.

25 Q. How closely did you follow this issue, Mr. Francis?

A. I was just curious on the basis of the Alexis case; perhaps she was telling the truth.

Q. Are you aware that the submission that was made to the IOC was precisely to protect the athlete's ability to use this birth control pill?

THE COMMISSIONER: What are you --

THE WITNESS: I don't follow you at all. I think you are going at it exactly backwards. The situation was that the pill was initially requested to be removed from the list -- or added to the list of banned substances. Now all of my female athletes got notice that in fact the IOC Medical Commission was adding these things to the list and they wouldn't be able to take the following products and they were itemized. Now, my suspicion was at that time, well, gee, perhaps Alexis was telling the truth, because after all that was what she was taking. Now, why did they add it to the list.

Q. Well, do you know why they added it to the list?

A. I don't, I am just curious. Perhaps you do.

Q. Well, the Commission has the evidence on that point, Mr. Francis.

A. Okay. I don't know.

Q. This is a short matter, Mr.

Commissioner, but Mr. Francis you said that you had read the literature that was available to you with respect to anabolic steroids; is that right?

5 A. I got whatever information I could get my hands on, yes.

Q. But did I understand you to say that so far as you were aware, there was no literature in the medical journals with regard to anabolic steroids?

10 A. No, no, I didn't say that. I said in terms of performance enhancement, that could be -- it's difficult from my position to rely on the information that's being put forward.

As you know, your own association in 1983 at this same conference was putting forward a position to state that indeed anabolic steroids did not enhance athletic performance. Now, it makes it very difficult to accept the other additional information that is handed out at that time, both not only for myself but also for the athletes in question, which part of the statement is indeed correct, and which part is not correct.

15
20

Q. My question really, Mr. Francis, is did you look at the scientific and medical literature with regard to anabolic steroids, or did you simply look at in effect the popular releases?

25 A. I tried to find whatever information I

could from those who had something available. And I also
had talked, as I said, to Dr. Clement some years before.
He has repeated his position more recently, in fact as
late as 1987, that he does not feel that in small doses,
5 in a regulated way, that anabolic steroids have these
harmful effects. I felt that Dr. Clement was a
knowledgeable individual, and I certainly felt that he had
no ax to grind in favour of anabolics because clearly on
ethical grounds he is absolutely opposed.

10 Q. But in terms of your own research, did
you go beyond the popular publications into the scientific
and medical literature?

A. I only took information from what
studies I could find which related to the use of anabolic
15 steroids in sports.

Q. As performance enhancement --

A. Related to --

THE COMMISSIONER: Well, the Sports Canada
set out their -- the reasons for the ban. You have read
20 their Sports Canada -- their -- it came out in 1983 and
updated I think in '85?

THE WITNESS: Yes, I believe so. I, of
course, I am not sure which document is which, but at the
same time my feeling was at the time it was very difficult
25 to accept for both myself and the athletes the information

coming out. I believe, perhaps I am editorializing, but it is a matter of some concern that the athletes know as clearly as can be stated the truth of the situation. If they know -- if it is explained to them that indeed
5 anabolic steroids do enhance athletic performance, they are more likely to accept the rest of the statement as would I be.

MR. BARBER: Let me come back do that in one moment.

10 THE COMMISSIONER: I gather your position is because the same position being taken by you, say Mr. Barbara's client, that they say it does not enhance performance, but it is harmful to health. If you want -- you can't accept the first part and you are not going to
15 accept the second part?

THE WITNESS: It's very likely that --

THE COMMISSIONER: That was your reasoning, I understand?

20 THE WITNESS: Yes. Unfortunately, I don't think there can be any doubt that where do you draw the line. You know you can say at the low levels fine, but many sports, weightlifting and so on, would require higher amounts and, of course, the rationalization would continue on up the line.

25 Q. Let me come back to that in one moment,

Mr. Francis, but first I would like to turn to the testing in Seoul. Were you at the testing room, the dope testing room in Seoul yourself?

A. No, I was not.

5 Q. So, you don't know what the interior arrangement was in that room, is that correct?

A. No, other than I saw them drawing diagrams and so on when we were in Mr. Dick Pound's room, but, of course, this testimony involved the individuals
10 who actually were in the testing room and for example Diane Clement, Waldemar Matuszewski, and Don Wilson from the RCMP.

Q. All right.

A. It was all secondhand to me.

15 Q. Is it your understanding that there was one testing room, and the athletes from the 100 meter event to be tested were all taken to the one area?

A. I am not clear on that, no.

Q. Certainly you were aware that at least
20 Mr. Lewis and Mr. Johnson were both in the same area?

A. Yes. And I was wondering why it is there were only two sections in there if indeed three or four people in fact would have been there. I really don't know.

25 Q. But you don't know, there may have been

three or four athletes in there?

A. No, there was discussion of where Linford Christie was. At least we know for sure he was tested and possibly others. So, I don't know whether
5 there were more rooms or not. That was never covered.

Q. He may have been in the same waiting area, correct, you don't know?

A. Or he may have come and gone before these two athletes in question went in.

10 THE COMMISSIONER: He wasn't there, Mr. Barber.

THE WITNESS: He simply wasn't there by any testimony that I heard.

MR. BARBER: In fairness, Mr. Commissioner,
15 he has --

THE COMMISSIONER: Well, the evidence was led only for the limited purpose of saying this was part of the appeal -- basis of the appeal made to the IOC Medical Commission, it doesn't prove anything.

20 THE WITNESS: I had no direct information on this.

THE COMMISSIONER: He wasn't there.

THE WITNESS: I wasn't there.

25 THE COMMISSIONER: He was only allowed in there for the very limited purpose, because Mr. Armstrong

was saying this is what the -- what the part of the presentation the IOC Medical Commission was that they were coming up with this submission.

5 MR. BARBER: May I deal with but one aspect then of that area, Mr. Commissioner.

BY MR. BARBER:

10 Q. You have testified, Mr. Francis, as to Mr. Johnson's experience with testing from 1986, 1987 and 1988. I believe he was tested approximately 19 or 20 times leading --

A. 20 times, yes.

Q. -- leading up to Seoul. And he was very familiar with the testing process?

15 A. Yes, I would say so.

Q. Would Mr. Matuszewski also be familiar with the process and what can be expected in the testing room?

20 A. I wouldn't know, because I don't know whether he's been there before or not.

Q. And you are aware that the athlete being tested has an opportunity to complain about the process, and if satisfied, the athlete signs a document that they are satisfied with the testing process?

25 A. Yes, I am aware of that, yes.

Q. Correct. Is it your understanding that Mr. Johnson signed that document at Seoul?

A. Somewhere between one and ten beers, yes, he signed that document.

5

Q. Now, may I come back to the question of performance, Mr. Francis. You have given your observation as to the enhancing effect you believe of steroids. And you have said in various places that at the highest level of sport, it's worth one meter, but to Mr. McMurtry you said it was a factor of one percent; is that correct?

10

A. Quite possibly, yes.

THE COMMISSIONER: Well, one meter, it would be one percent depending on the time.

THE WITNESS: Yes.

15

MR. BARBER: Well, in 100 meter sprint --

THE COMMISSIONER: I think for me it would be a lot more than one meter or a lot less or something. It depends how fast you are going to just take one meter and make a percentage of the time.

20

MR. BARBER: I am simply using Mr. Francis' estimate, Mr. Commissioner.

THE COMMISSIONER: Yes.

BY MR. BARBER:

25

Q. A 100 meter sprint, if it's a 10-second

race, one meter translates to a tenth of a second; is that correct?

A. Potentially, yes; a little less, a little more, depends on the speed of the athlete.

5 Q. Mr. Johnson's time at Seoul, Korea was what, 9.83?

A. 9.79.

Q. 9.79. And if we added a tenth to that it is 9.89. What was Mr. Lewis' time?

10 A. 9.92.

Q. So, he still would have beat him?

A. I believe so, yes.

THE COMMISSIONER: Well, this is all hypothetical, Mr. Barbara.

15 THE WITNESS: But it's a hypothetical discussion.

THE COMMISSIONER: It's a hypothetical question and a hypothetical answer.

MR. BARBER: Well, except, Mr.
20 Commissioner, I come back to Mr. Francis' statement of the ethical dilemma in which he stated that if it is possible to rise to the highest levels of sport without anabolic steroids, then, of course, you should at least do everything possible to try to go that way if it's
25 possible. And it's our position, Mr. Commissioner, that

it is possible and that Mr. Johnson would have won the gold medal with or without anabolic steroids.

THE WITNESS: Well, sir --

5 THE COMMISSIONER: I think you said the same thing.

MR. BARBER: I believe so.

THE WITNESS: I believe that indeed that is a reasonable assumption, but should Mr. Johnson have to be capable of winning by two meters in order to have a meter
10 margin, if you follow my meaning. In other words, had he stumbled at the start, should he have to be a meter superior just to finish in the same place or even more.

THE COMMISSIONER: I think with all respect this isn't advancing anything. This is a nice discussion
15 we are having, perhaps you could have it over lunch.

MR. BARBER: Well, it is somewhat fundamental, Mr. Commissioner, to our position.

THE COMMISSIONER: I think you made your point and Mr. Francis answered it.

20 MR. BARBER: Thank you, sir.

THE COMMISSIONER: Thank you. Is there anything? Are you through with the witness now?

MR. BARBER: Yes, thank you.

25 THE COMMISSIONER: Thank you. 2:30.
--- Luncheon adjournment

1 THE COMMISSIONER: Mr. Sojonky, do you have
2 any questions?

3 MR. SOJONKY: No questions, Mr.
4 Commissioner.

5 THE COMMISSIONER: Mr. Bourque?

6 MR. BOURQUE: Thank you, Mr. Commissioner.

7 THE COMMISSIONER: You represent the
8 Canadian Track and Field Association?

9 MR. BOURQUE: That's correct.

10 THE COMMISSIONER: I got it right this time.

11 MR. BOURQUE: You do all right when you
12 don't give the initials, Mr. Commissioner.

13 THE COMMISSIONER: I didn't transpose them
14 this time.

15
16 MR. BOURQUE:

17 Q. Mr. Francis, I've just a few questions.
18 Dealing with your evidence this morning, you spoke of a
19 meet that was held in Venezuela in 1981. Can you give us
20 the name of that meet?

21 A. The World Cup trials at Ciudad,
22 Bolivar.

23 Q. And what dates was that meet held on?

24 A. I believe it was the end of July or
25 beginning of August.

1 Q. And you recounted ---

2 THE COMMISSIONER: What year? Did you give
3 us a year.

4 MR. BOURQUE:

5 Q. 1981.

6 A. 1981.

7 THE COMMISSIONER: I didn't get the date.
8 Could you repeat that?

9

10 MR. BOURQUE:

11 Q. The date, sir?

12 A. End of July, beginning of August 1981.

13 THE COMMISSIONER: Thank you.

14

15 MR. BOURQUE:

16 Q. Now, you spoke of a confrontation at
17 that meet between the president, the then president of the
18 CTFA, Larry Eldridge, and certain throwers. And I'd like
19 to ask you how long did that meeting last?

20 A. About two minutes.

21 Q. And I believe you said, and correct me
22 if I'm wrong, that there was drinking going on amongst you
23 and the throwers before Mr. Eldridge showed up. Is that
24 correct?

25 A. Yes, indeed.

1 Q. And what were you drinking?

2 A. Beer.

3 Q. And how many beers did you, yourself,
4 have?

5 A. One beer. Like any of you who know me
6 know that I drink about ---

7 THE COMMISSIONER: Could you speak up,
8 please.

9 THE WITNESS: I drink about one beer
10 perhaps every six months.

11

12 MR. BOURQUE:

13 Q. Easy to be abstemious when you don't
14 have to be tested. Mr. Gray's response, could you tell us
15 again what that was?

16 A. He said basically that, gees, Larry,
17 you -- it's very, you know, we wouldn't have to buy this
18 cut rate stuff if you hadn't cut our food supplement
19 money.

20 Basically referring to -- they used to have
21 supplement money for -- that used to go primarily to the
22 bigger athletes and so on, under Sport Canada, back
23 around -- I guess it was until 1980. He meant it as a
24 joke. Larry was very angry and he left the room.

25 Q. I was just going to ask you, the

1 response sounded flippant to me. Did it appear such to
2 you when it was made?

3 A. Yes.

4 Q. Was it greeted with laughter when it
5 was made?

6 A. No.

7 Q. No? Not at all?

8 A. By the others in the room perhaps. Not
9 much comment was made. I think everybody was feeling a
10 little uneasy under the circumstances.

11 Q. And then Mr. Eldridge left immediately?

12 A. Yes. I know I was feeling uneasy under
13 the circumstances.

14 Q. And you moved next to an incident which
15 occurred, I believe you said in March 1982, and this arose
16 out of the positive test of Alexis Paul-MacDonald?

17 A. That's correct.

18 Q. And you recounted for us a meeting that
19 Mr. Fletcher, Don Fletcher, had with you and Ross Earl at
20 Mr. Earl's school?

21 A. That's correct.

22 Q. And then you described for us how you
23 and Mr. Fletcher adjourned to a nearby doughnut shop for
24 further discussion. Was there just the two of you there
25 at that time?

1 A. That's correct.

2 Q. And just so I understand you, I believe
3 you said in your evidence that you clearly did not mention
4 to Mr. Fletcher that any of your athletes were using
5 anabolic steroids at that time?

6 A. No, I was very careful how I phrased my
7 response to him. I said I could not guarantee that my
8 athletes would not use anabolic steroids in the near
9 future. And then I suggested that we wanted to know
10 whether or not there would be testing in Celja Yugoslavia
11 or Milan.

12 Q. Now, I thought I had understood that this
13 discussion arose out of the conundrum that Alexis
14 Paul-MacDonald found herself in where she could, according
15 to you, possibly register a false positive as a result of
16 an oral contraceptive being taken?

17 A. No -- that was a possibility but it
18 appeared to have been dismissed by the research study.

19 Q. So, it wasn't a fear of incurring such
20 false positives that you spoke to Mr. Fletcher about, is
21 that correct?

22 A. No, it was not.

23 Q. Now, if Mr. Fletcher takes the stand,
24 as I believe he will, Mr. Francis, and denies that he ever
25 phoned anyone to find out for you if certain meets were

1 going to be tested, I take it it's your position that he's
2 mistaken?

3 A. Yes, it is and, in fact, I went back to
4 check on the administration of anabolic steroids in that
5 year, to check and see that the last incidence of the use
6 of Dianabol was 24 days before Celja, Yugoslavia which
7 certainly proved that that was within the period of time
8 that we would have allowed to safely stay away from
9 anabolics before a meet where testing might occur. So, we
10 knew there was no testing.

11 Q. But I guess you can't point us to any
12 independent evidence, not your own evidence, but
13 independent evidence that would corroborate these
14 discussions that you had with Mr. Fletcher?

15 A. No, I cannot.

16 Q. Now, again with respect to Mr.
17 Fletcher's involvement in the meeting you described at the
18 Nation's Meet in Tokyo in 1982, if he were to take the
19 stand and say, as I believe he will, that he had no
20 knowledge whatever of Bishop Dolegiewicz' alleged steroid
21 use, as a result of that meet, then, according to you, he
22 would again be mistaken, is that correct?

23 A. I would believe that it was clear
24 enough from that meeting that no one in that meeting was
25 unaware of the nature of the conversation.

1 However, I will say that the word was never
2 mentioned in my presence. In other words, it was
3 discussed in such a way that we have this terrible problem
4 and so on.

5 But it was never discussed; the word
6 steroids was not used in that meeting room and I would
7 say -- but certainly it was understood that he could not
8 go into the stadium. I said that in -- if there is any
9 problem with testing he should not go into the stadium.

10 Q. And how was that greeted? What did Mr.
11 Fletcher say to that?

12 A. There was no further comment but, in
13 fact, Mr. Dolegiewicz did not go into the stadium the next
14 day.

15 Q. So your evidence then that there was no
16 expressed discussion, no overt discussion of steroid use
17 at that meeting, is your inference, an inference you have
18 drawn from the tenor of the discussion that all parties
19 present had knowledge of the use of steroids? Is that
20 correct?

21 A. I would believe so. Certainly I don't
22 know what else we could have been taking about.

23 Q. Is it your position that Dr. Doug
24 Clement knew he was participating in a coverup of steroid
25 use?

1 A. I believe that Doug Clement knew what
2 we were discussing in that room. However, the athlete in
3 question did have a legitimate injury and in fact, you
4 know, he was not being asked to sign a medical certificate
5 to record an injury that, in fact, did not exist.

6 Q. I'm not asking you if he signed a
7 medical certificate falsely. I'm asking you, is it your
8 evidence here today that Dr. Doug Clement knew there was a
9 coverup of steroid use taking place at that time?

10 A. I would find it difficult to see how he
11 wouldn't know.

12 Q. Would you put his chance of another --
13 if I can put it that way -- as high as Mr. Fletcher's?
14 Were they in a different boat in that way. I mean ---

15 THE COMMISSIONER: I don't understand that
16 question.

17 MR. BOURQUE: What I mean to say, is Dr.
18 Clement ---

19 THE COMMISSIONER: How can you measure that,
20 Mr. Bourque.

21 MR. BOURQUE: It was phrased very clumsily,
22 Mr. Commissioner.

23

24 MR. BOURQUE:

25 Q. Did Dr. Clement perform an examination

1 of any kind of Bishop Dolegiewicz at that time?

2 A. I have no knowledge of what occurred
3 after the meeting.

4 Q. All right. I gather from your evidence
5 that you became a part of this meeting only after it was
6 initiated?

7 A. No. We all came to the room together.

8 Q. I see. But it was apparent to you that
9 some previous discussion had gone on between the other
10 participants?

11 A. No.

12 Q. All right. Now, moving on to more
13 recent history, you've described a meeting that you had
14 with Jean-Guy Qoulette in the fall of 1986 and I'd like
15 to ask you where that meeting took place?

16 A. I believe it was in Toronto, initially.
17 There was a meeting out at one of the hotels near the
18 airport.

19 Q. You don't sound too sure about that?

20 A. No. I had a number of discussions with
21 him.

22 Q. Can you recall which hotel?

23 A. No.

24 Q. And you are aware, of course, that
25 Jean-Guy Ouellette ---

1 A. What I can do, to clarify that, I do
2 know it was not the usual hotel that we use. We usually
3 were staying -- or having meetings at the Cambridge Motor
4 Hotel and I believe it was not there.

5 Q. So you can say it was not the
6 Cambridge?

7 A. No, I don't believe so.

8 Q. You are aware, of course, that Jean-Guy
9 Ouellette neither lives nor works in Toronto?

10 A. Yes.

11 Q. And can you recall the occasion that
12 brought him to Toronto?

13 A. No, I believe it was at a track and
14 field meeting to which I was attending as well.

15 Q. You can't be any more specific than
16 that?

17 A. No, I didn't pay much attention to the
18 meetings.

19 Q. Was anyone else present for this
20 discussion that took place between you and Mr. Ouellette?

21 A. No, never.

22 Q. How long did it last?

23 A. Perhaps an hour because I went through
24 all the stories and so forth to tell him, you know ---
25 basically plead my case.

1 Q. Now, you mentioned there were further
2 discussions between you and Mr. Ouellette and can you tell
3 us how many of those there were?

4 A. I believe three or four times further.

5 Q. Were they in person or by phone or by
6 both means?

7 A. Primarily in person. On one occasion
8 by phone, that I recall.

9 Q. In the telephone conversation did you
10 call him or did he call you?

11 A. I would call him.

12 Q. When was the last such discussion that
13 you had with him?

14 A. I called him from when we were in
15 Formia in Italy.

16 Q. And when was that?

17 A. That was in June -- that would have
18 been around June the 20th or so.

19 Q. Of 1988?

20 A. Of 1988, yes. And at that time, there
21 was a discussion, somehow one of the athletes had heard
22 that random testing had been passed at the Board of
23 Directors and it was unclear what the situation would be
24 once we went back to Canada.

25 I phoned Jean-Guy at the request of Angella

1 Issajenko and some of the other athletes to find out what,
2 in fact, the status would be upon our return and he said
3 that he did not believe that it would be put into place
4 until after the Olympic Games.

5 Q. Now, when you say he told you he would
6 try and find a way to warn athletes selected for testing,
7 under a CFTA out-of-competition testing program, when
8 exactly did he say that?

9 A. It was in the spring.

10 Q. Spring of '88?

11 A. Yes.

12 Q. And was that in person or by phone? I
13 guess that would be in person?

14 A. No, it was not. On that occasion, we
15 talked on the phone.

16 Q. I thought you told me you only spoke to
17 him once by phone?

18 A. No, I said that I remember one incident
19 by phone. I spoke to him, I recall, during a conversation
20 where we were discussing -- actually, it was a question
21 where he wanted Ben to go to appearance in Paris, I
22 believe, for an awards banquet and the discussion came up,
23 once again.

24 Q. Did he discuss with you at any time the
25 manner in which athletes were to be selected for

1 out-of-competition testing?

2 A. No, he did not.

3 Q. Or how he was going to intervene?

4 A. He said that he would try to get
5 himself appointed to a committee. He was considered --
6 concerned about the situation.

7 Q. You're sure he told you that?

8 A. Yes.

9 Q. When did he tell you that?

10 A. During that conversation.

11 Q. In the spring of '88?

12 A. Yes. At the time we were talking about
13 Ben going to an appearance in Paris.

14 Q. And if Jean-Guy Ouellette takes the
15 stand to deny, as I believe he will, that he ever told you
16 he would provide such warnings to athletes selected under
17 the out-of-competition testing program, I take it,
18 according to you, that would be false?

19 A. Yes. I would, in all fairness, like to
20 point out that I never mentioned any individuals who were
21 using steroids. I always left it in a general discussion.
22 No specific names were ever mentioned.

23 Q. And similarly, if he takes the stand
24 and denies, as I believe he will, that your statement that
25 he had become determined that the CTFA out-of-competition

1 testing program not being implemented before the Olympics
2 Games, if he denies that, according to you, he's not
3 telling the truth, is that correct?

4 A. That's correct.

5 Q. Now, Mr. Ouellette and other witnesses
6 will take the stand and say, I believe, that a CTFA Board
7 of Directors chaired by Jean-Guy Ouellette, approved an
8 out-of-competition testing procedure in 1987. Are you
9 aware of that?

10 A. I was aware that they had approved in
11 principle. But, obviously, it was never implemented and
12 has not been implemented to this day.

13 Q. Are you sure it has not been
14 implemented to this day?

15 A. Has anyone -- to my knowledge none of
16 the individuals of my acquaintance have been requested to
17 undergo a test.

18 Q. So you don't really know?

19 A. No.

20 Q. So if Jean-Guy Ouellette and other
21 witnesses take the stand to say, and I believe they will,
22 that the out-of-competition testing procedure and a budget
23 for it were submitted to Sport Canada in January 1988 for
24 approval, do you dispute that?

25 A. No, I have no idea.

1 Q. And further, if these witnesses say, as
2 I believe they will, that the CTFA out-of-competition
3 testing program submitted to Sport Canada under Jean-Guy
4 Ouellette's stewardship was to be implemented in April
5 1988, six months before the Seoul Olympics, would you deny
6 that?

7 A. I would have no way to know. I only
8 know what he told me.

9 THE COMMISSIONER: Was it implemented before
10 the Olympics because none of Mr. Francis' athletes were
11 requested to ---

12 MR. BOURQUE: As it turned out it wasn't,
13 but it was out of the CTFA's hands.

14 THE COMMISSIONER: I see.

15 MR. BOURQUE: I believe Mr. Makosky has
16 given evidence that in the fall of 1988 the first tests
17 were taken.

18 THE COMMISSIONER: Yes, I recall some of
19 that, I think.

20

21 MR. BOURQUE:

22 Q. Now, Mr. Francis, you outlined for us
23 events that occurred on September 26, 1988 and you said
24 that you and Dr. Stanish and Dave Lyons met with Dr.
25 Beckett and Dr. Donike and Dr. Park of the Seoul lab

1 earlier on that day, is that correct?

2 A. Mm-hmm.

3 Q. You have to say yes or no?

4 A. Yes.

5 Q. And Dr. Park revealed to you at that
6 time that the substance detected in Mr. Johnson's urine
7 sample was Stomba or stanozolol, is that correct?

8 A. That's correct.

9 Q. And at that time, did you continue to
10 conceal the fact that you knew Ben had taken other banned
11 substances in training for these games?

12 A. Yes.

13 Q. And then later in the day, you met with
14 Mr. Richard Pound, Dr. Stanish, Dr. Jackson and Mr. David
15 Lyons, and I believe you said others, in Mr. Pound's suite
16 and helped them form the defence of the sabbotage theory,
17 is that correct?

18 A. Well, yes and no. I had no particular
19 information, as you've heard. I was not at the testing
20 room and so little of my information wasn't of much use in
21 preparing a defence.

22 Q. You were however present for the
23 discussion?

24 A. Yes.

25 Q. And during the course of the

1 discussion, did you continue to conceal the fact that you
2 knew Ben Johnson had taken another anabolic steroid?

3 A. Yes, I did.

4 Q. And you knew that Mr. Pound and Dr.
5 Stanish, at least, perhaps others, were going to go before
6 the IOC Medical Commission at ten o'clock that night to
7 try and overturn the finding of stanozolol?

8 A. Yes, I did.

9 Q. And still you did nothing to disabuse
10 them of their belief that Ben was clean?

11 A. I did nothing to disabuse them of their
12 belief that he had not taken stanozolol.

13 Q. You allowed them to go before the
14 Commission and argue a false cause?

15 A. It wasn't a false cause if, in fact, we
16 believed that he did not take stanozolol. That was my
17 belief at the time and it's my belief now. I have no
18 explanation for it.

19 Q. Well, let me tell ask you if the
20 finding of stanazolol had been overturned in Seoul, would
21 you and Mr. Johnson left the games with the gold medal
22 notwithstanding you knew he had used an anabolic steroid?

23 A. Yes.

24 Q. And in those circumstances, if it were
25 left up to you, would anyone know the truth today about

1 Ben Johnson's use of Furazabol?

2 A. No, they wouldn't.

3 MR. BOURQUE No further questions.

4 THE COMMISSIONER: Thank you, Mr. Bourque.

5 Mr. Ashby? Thank you, Mr. Bourque.

6 You act for Bishop Dolegiewicz?

7 MR. ASHBY: Thank you, Mr. Commissioner. I
8 have one small problem. There were two small instances
9 this morning in which my client's name is mentioned that I
10 hadn't been advised of in advance and I can do it as you
11 wish.

12 I can proceed with the questions that I had
13 prepared now or I can go and get some instructions from my
14 client and continue tomorrow?

15 THE COMMISSIONER: Well, just give me a
16 moment then, please.

17 Mr. O'Connor, are you going to ask any
18 questions?

19 MR. O'CONNOR: No, I have no
20 cross-examination.

21 THE COMMISSIONER: All right. Mr. Sookram,
22 would you go on now or do you want to -- would you want to
23 follow Mr. Ashby?

24 MR. SOOKRAM: I prefer to follow Mr. Ashby
25 unless you rule otherwise, Mr. Commissioner.

1 THE COMMISSIONER: I think in fairness, we
2 had agreed that Mr. Sookram and Mr. Futerman would be last
3 in cross-examination.

4 Perhaps, can you proceed as far as you can
5 today, Mr. Ashby, and then we'll have to adjourn until
6 tomorrow morning. I think that would be the fairest way
7 of doing it. Is that satisfactory to you, Mr. Sookram?

8 MR. SOOKRAM: Very much so.

9 MR. FUTERMAN: Thank you very much, Mr.
10 Commissioner.

11 THE COMMISSIONER: You go as far as you can
12 today, Mr. Ashby?

13 MR. ASHBY:

14 Q. Mr. Francis, let's just clear up some
15 misconceptions about Mr. Dolegiewicz. Mr. Armstrong, when
16 giving some of his evidence, I think he unwittingly led
17 you to confirm that Mr. Dolegiewicz was still a competing
18 athlete. In fact, that is not the case?

19 A. At what time?

20 Q. Well, the question, as it appears from
21 the transcript from Wednesday, was is he still a competing
22 athlete or words to that effect but, in fact, he's not.

23 A. No, I ---

24 MR. ARMSTRONG: I certainly don't recall
25 that question. That wasn't my information.

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MR. ASHBY:

Q. I can point you to the question. The point is Bishop Dolegiewicz retired from competing in athletic events in 1984 effectively?

A. That's my understanding, yes.

Q. Although he did participate, I gather, in the Nationals in 1985 on a casual basis?

A. Yes, I believe he was there something in a coaching capacity and he decided he would participate.

Q. All right. Are you aware that he has been tested for banned substances on a number of occasions?

A. Yes.

Q. And as far as you know, he has always tested negative?

A. That's correct.

Q. Can you help me with what the testing procedures were prior to the '84 Olympics? Do you know what happened to the throwers? Were they tested?

A. There was a problem in '84. Bishop and, I believe one of the other throwers, I don't want to name him because I'm not sure which, were injured and did not compete in the national championships.

1 THE COMMISSIONER: I am sorry. The
2 question, was that related to testing?

3 THE WITNESS: Well, I guess that's what
4 you're leading to.

5
6 MR. ASHBY:

7 Q. I think Mr. Francis is going to lead
8 him up to what I was going to ask, that Bishop was asked
9 to report for a test, in fact, before he left for the
10 Olympics?

11 A. Yes, some period before.

12 Q. He passed that test as well?

13 A. Yes, he did.

14 Q. And I take it also that Bishop has
15 travelled to many countries over the course of his
16 athletic career?

17 A. Yes, indeed.

18 Q. As far as you know, he's never been
19 arrested for possession of banned substances or anything
20 like that?

21 A. No.

22 Q. We've heard mention of Mr. Gray this
23 morning in testimony. He was another thrower, I
24 understand?

25 A. Yes, he is.

1 Q. And at one point, did he, in fact, test
2 positive?

3 A. Yes, he did.

4 Q. And was he subsequently suspended from
5 athletic performance?

6 A. Yes, he was.

7 Q. Are you aware of any other throwers
8 that have tested positive over the last eight years?

9 A. I believe there were four. Harold
10 Willers in the hammer throw, and there were -- Mike
11 Sparatozo and Peter Daja in throwing, the short throws.

12 Q. Is that short throwing ---

13 A. Being the discus.

14 Q. Yes. I take it over that nine year
15 period, Mr. Francis, you have lied to a number of people
16 concerning the use by your athletes of anabolic steroids?

17 A. Yes, that's part of the situation.

18 Q. And you've certainly lied to two
19 members of the press and the media?

20 A. Sure.

21 Q. And have you lied to members of the
22 governing body of sport in general?

23 A. To some and not others.

24 Q. What about the other athletes who were
25 on your team? Were you hiding from them the use by the

1 other athletes that you've named of their use of anabolic
2 steroids?

3 THE COMMISSIONER: I don't understand the
4 question. You better name the witnesses.

5 MR. ASHBY: I understood that was a larger
6 number of athletes that was coaching.

7 THE COMMISSIONER: Yes, he said that. He
8 already said they were not on steroids.

9

10 MR. ASHBY:

11 Q. They were not on steroids but I want
12 to know whether he lied to them about the use of steroids
13 by the other athletes, Ben Johnson and the others you've
14 named?

15 A. I didn't say anything to them about it.

16 Q. They never asked?

17 A. They could ask and I would say, it's
18 none of your business.

19 Q. You never directly lied to them?

20 A. No, I wouldn't. In fact, I can -- I
21 wonder how the others would, in fact, ever get the idea to
22 start, if they were under the assumption from me, that
23 every one else was not.

24 Q. Well, how would they get that
25 assumption?

1 THE COMMISSIONER: I didn't hear the answer.
2 You dropped your voice, I didn't hear the answer.

3 THE WITNESS: I'm sorry. My point is, if I
4 had been assuring them that everyone was not using it then
5 those who joined the group later would never considering
6 starting, I assume.

7
8 MR. ASHBY:

9 Q. Now your evidence was, as elicited by
10 Mr. Armstrong on two occasions, I think, that in 1980,
11 Bishop supplied with you 200 Dianabol tablets. And can I
12 pin you down a little bit more or can you recall when
13 it is you say these drugs were allegedly supplied by
14 Bishop?

15 A. In Sherbrooke.

16 Q. And what meet was that?

17 A. The national championships.

18 Q. That was the summer of 1980?

19 A. Yes. It was early summer at that time.
20 The nationals, I believe, were held in June.

21 Q. And I want to take you to some of your
22 evidence given on Wednesday and, in particular, in
23 reviewing the transcript, your evidence was that it was in
24 the fall of 1981 that Ben Johnson, Desai Williams and Tony
25 Sharpe join Angella Issajenko in the steroid program. Do

1 you recall that?

2 A. Mm-hmm, yes, that's correct.

3 Q. And then I have, according to the
4 transcript, this evidence from you that they, and I take
5 it that was the three of them, you can correct me if I'm
6 wrong, were given a bottle with about 100 tablets for each
7 of them. Obviously, they would have to come back to me to
8 ask for more and the Commissioner interrupted. And then
9 you went on to say ---

10 THE COMMISSIONER: I never interrupt.

11 MR. ASHBY: No, quite right, you clarified
12 something, Mr. Commissioner.

13 THE COMMISSIONER: That's right, thank you.

14

15 MR. ASHBY:

16 Q. Unless they had some other source that
17 you didn't know about. Now, I take three athletes times
18 100 tablets to be 300 tablets. So, I'm wondering where,
19 in 1981, the extra 100 tablets come from?

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21

22

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24

25

A. To the best of my knowledge, they only had the 200 tablets, and they were divided amongst them.

Q. So they were divided amongst four of them then, the three plus Angella Issajenko?

5 A. No, I believe Angella had tablets that had been provided previously.

Q. Well, this is the doctor that you took Angella to see. How many tablets did he prescribe for Angella?

10 A. I'm not sure. I believe there were two prescriptions, but I assume that will come out later.

Q. Well, you'll have to help me with that. Through the doctor or through Angella? I mean --

THE COMMISSIONER: Ms. Issajenko will be
15 called as a witness.

A. I assume that Ms. Issajenko has all the records and so on of what was done.

MR. ASHBY:

20 Q. So you don't know how many tablets she, in fact, received?

A. Well, I know the protocol that she was on.

25 Q. Do you know how many she got in the prescription, I guess, is the question?

A. No.

Q. So, in fact, the 200 was divided up amongst three of them?

A. Yes.

5 Q. And had you approached Bishop to get these pills?

A. Yes.

Q. And again in 1982 you approached him?

A. Yes.

10 THE COMMISSIONER: Is this the second time?

MR. ASHBY: Yes.

THE COMMISSIONER: We're back in Sherbrooke in 1980?

15 MR. ASHBY: I'm asking him the '82 supply, which is in the Nationals in 1982.

A. Yes.

MR. ASHBY:

20 Q. Your allegation is that there were 500 supplied by Bishop at that time?

A. That's correct.

Q. And if Mr. Dolegiewicz gives evidence, as I understand he will, denying that he ever supplied you with those drugs on those two occasions, then he's
25 mistaken or lying about that?

A. Yes, that's correct.

Q. Now, this conversation in 1982 at the Eight Nations meet in Tokyo, do I understand it that the conversation that you had about Bishop being dirty was only with him initially?

A. Yes, with him initially, correct.

Q. And you then, you went from there to this meeting that Mr. Bourque explored with you?

A. That's correct.

Q. And so that Bishop, as far as you know, never admitted being dirty to anyone else other than yourself?

A. Well, he must -- I did not speak to any of the other individuals, so they must have had a discussion with him. And as the discussion was started by Gerard Mach, I assume he came to him.

Q. All right. You weren't privy to any of the discussions, though?

A. Not the initial lead-in conversation, no.

Q. And do you know whether Bishop in fact had a pre-existing medical problem with both his elbow and his shoulder?

A. Yes, he did.

Q. And as you've told Mr. Bourque, the

medical certificate that was issued by Dr. Clement was, in your view, a genuine one, that Bishop had a problem with his shoulder?

5 A. Yes. It was acceptable to have a medical certificate because he had a pre-existing injury.

Q. And indeed it made it impossible for him to throw at that meet?

A. Well, I might point out that we had just arrived in Tokyo, and he had arrived there along with the rest of our group. There were three shotputters going to the Commonwealth Games. One was entitled to compete in Tokyo. The other two would go to a training camp in Hawaii. He obviously felt he was prepared to throw in Tokyo or he wouldn't have made that trip.

15 Q. Well, in fact, there were two or three days, I think, of practice before the actual meet, weren't there, after arriving in Tokyo?

A. Yes, so it's possible, yes.

20 Q. So he may have injured himself during that practice period?

A. That's possible, yes.

MR. ASHBY: Thank you, sir.

THE COMMISSIONER: Well, then, you want to go back tomorrow on the other --

25 MR. ASHBY: If I may, Mr. Commissioner.

THE COMMISSIONER: All right. Well, we'll have to then adjourn until tomorrow morning at 10 o'clock. We've got a lot of other work we can do on the staff.

So tomorrow morning at 10 o'clock. Thank
5 you.

--- Whereupon the proceedings adjourned until 10 o'clock
Wednesday, March 8, 1989.

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